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LEGISLATIVE HISTORY

Public Law 359--78th Congress

Chapter 287--2d Session

H. R. 4115

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## DIGEST OF PUBLIC LAW 359

VETERANS' PREFERENCE ACT OF 1944. Gives honorable discharged veterans, their widows, and wives of disabled veterans who themselves are not qualified to work, preference in employment where Federal funds are disbursed, including employment in classified and unclassified civil-service positions, and in temporary or emergency agencies.

## INDEX AND SUMMARY OF HISTORY ON H. R. 4115

|                    |                                                                                                                                                      |
|--------------------|------------------------------------------------------------------------------------------------------------------------------------------------------|
| January 8, 1943    | H. R. 882 was introduced by Rep. Starnes and referred to the House Committee on the Civil Service. Print of the bill as introduced. (Similar bill).  |
| February 3, 1944   | H. R. 4115 was introduced by Rep. Starnes and referred to the House Committee on the Civil Service. Print of the bill as introduced.                 |
| March 9, 1944      | S. 1762 was introduced by Senator Scrugham and referred to the Senate Committee on Civil Service. Print of the bill as introduced. (Companion bill). |
| March 27, 1944     | House Committee reported H. R. 4115 with amendments. House Report 1289. Print of the bill as reported.                                               |
| April 17, 1944     | Debated in House and passed as reported.                                                                                                             |
| April 18, 1944     | Referred to the Senate Committee on Civil Service. Print of the bill as referred.                                                                    |
| May 19, 1944       | Hearings: Senate, S. 1762 and H. R. 4115.                                                                                                            |
| May 25, 1944       | Senate Committee on Civil Service reported H. R. 4115 with amendments. Senate Report 907. Print of the bill as reported.                             |
| June 12, 1944      | Discussed in Senate and passed as reported.                                                                                                          |
| June 19, 1944      | Discussed in House and passed over.                                                                                                                  |
| June 20, 1944      | Discussed in House and Senate amendments agreed to.                                                                                                  |
| June 27, 1944      | Approved. Public Law 359.                                                                                                                            |
| September 12, 1944 | Post-war employment and veterans' assistance Program. Senate Document 235.                                                                           |
| October 9, 1944    | Dept. of Agriculture Policy on Reemployment of Veterans. Dept. Circular No. 53.                                                                      |







78TH CONGRESS  
1ST SESSION

# H. R. 882

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 8, 1943

Mr. STARNES of Alabama introduced the following bill: which was referred to the Committee on the Civil Service

---

## A BILL

To give honorably discharged veterans, their widows, and the wives of disabled veterans, who themselves are not qualified, preference in employment where Federal funds are disbursed.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*  
3       That this Act may be cited as the "Veterans' Preference  
4       Act of 1943".

5       SEC. 2. In certification for appointment, in appoint-  
6       ment, in reinstatement, in reemployment, and in retention  
7       in civilian positions in all establishments, agencies, bureaus,  
8       administrations, projects, and departments of the Govern-  
9       ment, permanent or temporary, and in either (a) the classi-  
10      fied civil service; (b) the unclassified civil service; (c) any

1 temporary or emergency establishment, agency, bureau, ad-  
2 ministration, project, and department created by Acts of  
3 Congress or Presidential Executive order; and (d) the civil  
4 service of the District of Columbia, preference shall be given  
5 to (1) those ex-service men who have served in any branch  
6 of the armed forces of the United States who have established  
7 the present existence of a service-connected disability or who  
8 are receiving compensation, disability retirement benefits, or  
9 pension by reason of public laws administered by the Vet-  
10 erans' Administration, the War Department, or the Navy  
11 Department; (2) the wives of such service-connected dis-  
12 abled ex-service men as have themselves been unable to  
13 qualify for any civil-service appointment; (3) the unmarried  
14 widows of deceased ex-service men who had served in any  
15 branch of the armed forces of the United States during any  
16 war, or in any campaign or expedition (for which a campaign  
17 badge has been authorized); and (4) those honorably dis-  
18 charged ex-service men who have served in any branch of  
19 the armed forces of the United States, during any war, or  
20 in any campaign or expedition (for which a campaign badge  
21 has been authorized).

22 SEC. 3. In all examinations to determine the qualifica-  
23 tions of applicants, ten points shall be added to the earned  
24 ratings of those persons included under section 2 (1), (2),  
25 and (3), and five points shall be added to the earned ratings

1 of those persons included under section 2 (4) of this Act:  
2 *Provided*, That 20 per centum of the earned ratings of all  
3 preference eligibles shall be added to such earned ratings as  
4 to examinations for the positions of guards, elevator oper-  
5 ators, messengers, and custodians as a part of such earned  
6 ratings.

7 SEC. 4. In examinations where experience is an element  
8 of qualification, time spent in the military or naval service  
9 of the United States shall be credited in a veteran's rating  
10 where his or her actual employment in a similar vocation to  
11 that for which he or she is examined was interrupted by  
12 such military or naval service. In all examinations to deter-  
13 mine the qualifications of a veteran applicant, credit shall be  
14 given for all valuable experience, including experience gained  
15 in religious, civic, welfare, service, and organizational ac-  
16 tivities, even though no compensaton was received therefor.

17 SEC. 5. In determining the qualifications of a veteran  
18 applicant for original examination, appointment, promotion,  
19 retention, transfer, or reinstatement, all requirements as to  
20 age, height, weight, physical condition, educational back-  
21 ground, previous specified instruction, or the attainment of  
22 any degree or certificate from an educational institution shall  
23 be waived by the Civil Service Commission, or other exam-  
24 ining agency, and any such applicant's qualifications shall  
25 be determined upon the basis of his actual knowledge and



1 ability to perform the duties of the position to be filled. The  
2 Civil Service Commission shall give appropriate considera-  
3 tion to the recommendation of any accredited physician of  
4 the United States Public Health Service, or of the Veterans'  
5 Administration, as to the physical ability of any veteran ap-  
6 plicant to perform the duties of any specified position.

7       SEC. 6. Preference eligibles shall not be subject to the  
8 provisions of the Civil Service Act concerning apportionment  
9 of appointments in the Government departments in the Dis-  
10 trict of Columbia among the several States and Territories  
11 according to population, but may be required to furnish  
12 evidence of residence and domicile.

13       SEC. 7. The names of preference eligibles shall be en-  
14 tered on the appropriate registers or lists of eligibles in ac-  
15 cordance with their respective augmented ratings, and the  
16 name of a preference eligible shall be entered ahead of all  
17 others having the same rating: *Provided*, That, except for  
18 positions in the professional and scientific services for which  
19 the entrance salary is over \$3,000 per annum, the names of  
20 all qualified preference eligibles, entitled to ten points in  
21 addition to their earned ratings shall be placed at the top of  
22 the appropriate civil-service register or employment list, in  
23 accordance with their respective augmented ratings: *Pro-*  
24 *vided further*, That nothing herein shall prevent any par-  
25 ticular class of preference eligibles being placed in a higher



1 place on said registers or lists by existing or future Executive  
2 order or rule of the Civil Service Commission.

3 SEC. 8. When, in accordance with civil-service laws and  
4 rules, a nominating or appointing officer shall request cer-  
5 tification of eligibles for appointment purposes, the Civil  
6 Service Commission shall certify, from the top of the appro-  
7 priate register of eligibles, a number of names sufficient to  
8 permit the nominating or appointing officer to consider three  
9 names in connection with each vacancy. The nominating or  
10 appointing officer shall make selection for each vacancy from  
11 not more than the highest three names available for appoint-  
12 ment on such certification, unless objection shall be made,  
13 and sustained by the Commission, to one or more of the  
14 persons certified, for any proper and adequate reason, as may  
15 be prescribed in the rules promulgated by the Civil Service  
16 Commission: *Provided*, That an appointing officer who  
17 passes over a veteran eligible and selects a nonveteran shall  
18 file with the Civil Service Commission his reasons in writing  
19 for so doing, which shall become a part of the record of such  
20 veteran eligible, and shall be made available upon request to  
21 the veteran or his designated representative; the Civil Serv-  
22 ice Commission is directed to determine the sufficiency of  
23 such submitted reasons and, if found insufficient, shall require  
24 such appointing officer to submit more detailed information

1 in support thereof; the findings of the Civil Service Commis-  
2 sion as to the sufficiency or insufficiency of such reasons shall  
3 be transmitted to such appointing officer, and a copy thereof  
4 shall be sent to the veteran eligible or to his designated rep-  
5 resentative; each veteran eligible shall retain his eligibility  
6 until appointed, without regard to the life of any register:  
7 *Provided further*, That if, upon certification, reasons deemed  
8 sufficient by the Civil Service Commission for passing over  
9 his name shall be found to have been given by three different  
10 appointing officers, certification of his name for appointment  
11 may thereafter be discontinued, prior notice of which shall be  
12 sent to the veteran eligible. When two or more substitutes  
13 are appointed on the same day, they shall be promoted to the  
14 regular force in the order in which their names appeared  
15 on the civil-service register from which they were originally  
16 appointed, whenever there are substitutes of the required sex  
17 who are eligible and will accept, unless such vacancies are  
18 filled by transfer or reinstatement.

19 SEC. 9. In the unclassified Federal, and District of  
20 Columbia, civil service, and in all other positions and em-  
21 ployment hereinbefore referred to in (c) of section 2 hereof,  
22 the nominating or appointing officer or employing official  
23 shall make selection from the qualified applicants in accord-  
24 ance with the provisions of this Act.

25 SEC. 10. The Civil Service Commission is authorized

1 and directed to hold an examination, during the next suc-  
2 ceeding quarterly period, for any position to which any  
3 appointment has been made within the preceding three years,  
4 for, and upon application by any person included under  
5 section 2 (1), (2), and (3) of this Act.

6 SEC. 11. The President of the United States is hereby  
7 authorized to promulgate appropriate rules and regulations  
8 for the administration and enforcement of the provisions of  
9 this Act and is further authorized to promulgate such Execu-  
10 tive orders as may extend additional preferences to veterans  
11 not herein provided.

12 SEC. 12. In any reduction in personnel in any civilian  
13 service of any Federal agency, employees within each classi-  
14 fication to be reduced shall be released in the inverse order of  
15 the length of their total Federal service: *Provided*, That the  
16 length of time spent in active service in the armed forces of  
17 the United States of each such employee shall be credited  
18 in computing length of total service: *Provided further*, That  
19 when any or all of the functions of any agency are transferred  
20 to, or when any agency is replaced by, some other agency,  
21 or agencies, all preference employees in such transferring  
22 agency shall first be transferred to the replacing agency, or  
23 agencies, for employment in positions for which they are  
24 qualified, before such agency, or agencies, shall appoint addi-  
25 tional employees from any other source for such positions,

1        SEC. 13. Any preference eligible who has resigned or  
2 who has been dismissed or furloughed may, at the request of  
3 any appointing officer, be certified for, and appointed to, any  
4 position for which he may be eligible in the civil service,  
5 Federal or District of Columbia, or in any establishment,  
6 agency, bureau, administration, project, or department, tem-  
7 porary or permanent.

8        SEC. 14. No preference eligible employed in the civil  
9 service, or in any establishment, agency, bureau, administra-  
10 tion, project, or department, temporary or permanent, here-  
11 inbefore referred to shall be discharged, suspended, furloughed  
12 without pay, or reduced in rank or compensation except for  
13 such cause as will promote the efficiency of the service and  
14 for reasons given in writing, and the person whose discharge,  
15 suspension, furlough without pay, or reduction in rank or  
16 compensation is sought shall have at least thirty days' advance  
17 written notice (except where guilty of a crime for which a  
18 sentence of imprisonment can be imposed), stating any and all  
19 reasons, specifically and in detail, for any such proposed  
20 action; such preference eligible shall be allowed a reasonable  
21 time for answering the same personally and in writing, and  
22 for furnishing affidavits in support of such answer, and shall  
23 have the right to appeal to the Civil Service Commission  
24 from an adverse decision of the administrative officer so act-  
25 ing, such appeal to be made in writing within a reasonable



1 length of time after the date of receipt of notice of such  
2 adverse decision: *Provided*, That such preference eligible  
3 shall have the right to make a personal appearance, or an ap-  
4 pearance through a designated representative, in accordance  
5 with such reasonable rules and regulations as may be issued  
6 by the Civil Service Commission; after investigation and con-  
7 sideration of the evidence submitted, the Civil Service Com-  
8 mission shall submit its findings and recommendations to the  
9 proper administrative officer and shall send copies of same to  
10 the appellant or to his designated representative: *Provided*  
11 *further*, That the Civil Service Commission may declare any  
12 such preference eligible who may have been dismissed or  
13 furloughed without pay to be eligible for the provisions of  
14 section 15 hereof.

15       SEC. 15. Any preference eligible, who has been fur-  
16 loughed, suspended, or dismissed, without prejudice, shall  
17 have his name placed on all appropriate civil-service registers  
18 and/or on all employment lists, for every position for which  
19 his qualifications have been established, as maintained by the  
20 Civil Service Commission, or as shall be maintained by any  
21 agency or project of the Federal Government, or of the Dis-  
22 trict of Columbia, in the order as provided in section 7 hereof,  
23 and shall then be eligible for recertification and reappointment  
24 in the order and according to the procedure as provided for  
25 in sections 7 and 8 hereof. No appointment shall be made

1 from an examination register of eligibles when there are three  
2 or more names of preference eligibles on any appropriate re-  
3 employment list for the position to be filled.

4 SEC. 16. Any preference eligible who has resigned shall,  
5 upon request to the Civil Service Commission, have his name  
6 again placed on all proper civil-service registers for which he  
7 may have been qualified, in the order as provided for in sec-  
8 tion 8 hereof, and shall then be eligible for recertification and  
9 reappointment in the order, and according to the procedure,  
10 as provided for in sections 7 and 8 hereof.

11 SEC. 17. The term "Civil Service Commission" or  
12 "Commission" as used in this Act shall mean the present  
13 United States Civil Service Commission or anybody or person  
14 who may by law succeed to its powers and duties, or any of  
15 them, or which or who may be designated by law to perform  
16 any specific duty and possess any specific power concerning  
17 matters covered by this Act.

18 SEC. 18. All Acts and parts of Acts inconsistent with  
19 the provisions hereof are hereby modified to conform here-  
20 with, and this Act shall not be construed to take away from  
21 any preference eligible any rights heretofore granted to, or  
22 possessed by, him under any existing law, Executive order,  
23 civil-service rule or regulation, of any department of the Gov-  
24 ernment or officer thereof.

25 SEC. 19. It shall be the authority and duty of the Civil

1 Service Commission in all cases under the classified civil  
2 service to make and enforce appropriate rules and regula-  
3 tions to carry into full effect the provisions, intent, and pur-  
4 pose of this Act and such Executive orders as may be issued  
5 pursuant thereto and in furtherance thereof.

6     SEC. 20. Nothing in this Act contained is intended to  
7 apply to any position or appointment which by the Constitu-  
8 tion is required to be confirmed by, or made with, the advice  
9 and consent of the United States Senate.

10     SEC. 21. If any part of this Act shall be found to be  
11 unconstitutional, the rest of it shall be considered as in full  
12 force and effect.

78th CONGRESS  
1st Session

# H. R. 882

## A BILL

To give honorably discharged veterans, their widows, and the wives of disabled veterans, who themselves are not qualified, preference in employment where Federal funds are disbursed.

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By Mr. STARNES of Alabama

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JANUARY 8, 1943

Referred to the Committee on the Civil Service



18 11 1891

18 11 1891



78TH CONGRESS  
2D SESSION

# H. R. 4115

---

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 3, 1944

Mr. STARNES of Alabama introduced the following bill; which was referred to the Committee on the Civil Service

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## A BILL

To give honorably discharged veterans, their widows, and the wives of disabled veterans, who themselves are not qualified, preference in employment where Federal funds are disbursed.

1      *Be it enacted by the Senate and House of Representa-*  
2      *tives of the United States of America in Congress assembled,*  
3      That this Act may be cited as the "Veterans' Preference  
4      Act of 1944".

5      SEC. 2. In certification for appointment, in appoint-  
6      ment, in reinstatement, in reemployment, and in retention  
7      in civilian positions in all establishments, agencies, bureaus,  
8      administrations, projects, and departments of the Govern-  
9      ment, permanent or temporary, and in either (a) the classi-

1 fied civil service; (b) the unclassified civil service; (c)  
2 any temporary or emergency establishment, agency, bureau,  
3 administration, project, and department created by Acts of  
4 Congress or Presidential Executive order; and (d) the civil  
5 service of the District of Columbia, preference shall be given  
6 to (1) those ex-service men and women who have served  
7 in any branch of the armed forces of the United States who  
8 have established the present existence of a service-connected  
9 disability or who are receiving compensation, disability re-  
10 tirement benefits, or pension by reason of public laws  
11 administered by the Veterans' Administration, the War  
12 Department or the Navy Department; (2) the wives  
13 of such service-connected disabled ex-service men as  
14 have themselves been unable to qualify for any  
15 civil-service appointment; (3) the unmarried widows  
16 of deceased ex-service men who had served in any  
17 branch of the armed forces of the United States dur-  
18 ing any war, or in any campaign or expedition (for which  
19 a campaign badge has been authorized); and (4) those  
20 honorably discharged ex-service men and women who have  
21 served in any branch of the armed forces of the United  
22 States, during any war, or in any campaign or expedition  
23 (for which a campaign badge has been authorized).

24       SEC. 3. In all examinations to determine the qualifica-  
25 tions of applicants, ten points shall be added to the earned

1 ratings of those persons included under section 2 (1), (2),  
2 and (3), and five points shall be added to the earned ratings  
3 of those persons included under section 2 (4) of this Act:  
4 *Provided*, That in examinations for the positions of guards,  
5 elevator operators, messengers, and custodians competition  
6 shall be restricted to persons entitled to preference under this  
7 Act and during the present war and for a period of five years  
8 following the termination of the present war as proclaimed  
9 by the President or by a concurrent resolution of the Con-  
10 gress for such other positions as may from time to time be  
11 determined by the President.

12 SEC. 4. In examinations where experience is an ele-  
13 ment of qualification, time spent in the military or naval  
14 service of the United States shall be credited in a veteran's  
15 rating where his or her actual employment in a similar  
16 vocation to that for which he or she is examined was inter-  
17 rupted by such military or naval service. In all examinations  
18 to determine the qualifications of a veteran applicant, credit  
19 shall be given for all valuable experience, including expe-  
20 rience gained in religious, civic, welfare, service, and organi-  
21 zational activities, regardless of whether any compensation  
22 was received therefor.

23 SEC. 5. In determining qualifications for examination,  
24 appointment, promotion, retention, transfer, or reinstatement,  
25 with respect to preference eligibles, the Civil Service Com-

1 mission or other examining agency shall waive requirements  
2 as to age, height, and weight, provided any such requirement  
3 is not essential to the performance of the duties of the position  
4 for which examination is given. The Civil Service Commis-  
5 sion or other examining agency, after giving due consideration  
6 to the recommendation of any accredited physician in the  
7 service of the United States, shall waive the physical require-  
8 ments in the case of any veteran, provided such veteran is, in  
9 the opinion of the Civil Service Commission, physically able  
10 to discharge efficiently the duties of the position for which  
11 the examination is given. No educational standard will be  
12 prescribed in any civil-service examination except for such  
13 scientific, technical, or professional positions the duties of  
14 which the Civil Service Commission decides cannot be per-  
15 formed by a person who does not have such education.

16 SEC. 6. Preference eligibles shall not be subject to the  
17 provisions of the Civil Service Act concerning apportionment  
18 of appointments in the Government departments in the Dis-  
19 trict of Columbia among the several States and Territories  
20 according to population, but may be required to furnish  
21 evidence of residence and domicile.

22 SEC. 7. The names of preference eligibles shall be en-  
23 tered on the appropriate registers or lists of eligibles in ac-  
24 cordance with their respective augmented ratings, and the  
25 name of a preference eligible shall be entered ahead of all



1 others having the same rating: *Provided*, That, except for  
2 positions in the professional and scientific services for which  
3 the entrance salary is over \$3,000 per annum, the names of  
4 all qualified preference eligibles, entitled to ten points in ad-  
5 dition to their earned ratings shall be placed at the top of the  
6 appropriate civil-service register or employment list, in ac-  
7 cordance with their respective augmented ratings: *Provided*  
8 *further*, That nothing herein shall prevent any particular class  
9 of preference eligibles being placed in a higher place on said  
10 registers or lists by existing or future Executive order or rule  
11 of the Civil Service Commission.

12       SEC. 8. When, in accordance with civil-service laws  
13 and rules, a nominating or appointing officer shall request  
14 certification of eligibles for appointment purposes, the Civil  
15 Service Commission shall certify, from the top of the ap-  
16 propriate register of eligibles, a number of names sufficient  
17 to permit the nominating or appointing officer to consider  
18 three names in connection with each vacancy. The nominat-  
19 ing or appointing officer shall make selection for each  
20 vacancy from not more than the highest three names  
21 available for appointment on such certification, unless  
22 objection shall be made, and sustained by the Commis-  
23 sion, to one or more of the persons certified, for any  
24 proper and adequate reason, as may be prescribed in the



1 rules promulgated by the Civil Service Commission: *Pro-*  
2 *vided*, That an appointing officer who passes over a veteran  
3 eligible and selects a nonveteran shall file with the Civil  
4 Service Commission his reasons in writing for so doing,  
5 which shall become a part of the record of such veteran  
6 eligible, and shall be made available upon request to the  
7 veteran or his designated representative; the Civil Service  
8 Commission is directed to determine the sufficiency of such  
9 submitted reasons and, if found insufficient, shall require  
10 such appointing officer to submit more detailed information  
11 in support thereof; the findings of the Civil Service Com-  
12 mission as to the sufficiency or insufficiency of such reasons  
13 shall be transmitted to and considered by such appointing  
14 officer, and a copy thereof shall be sent to the veteran  
15 eligible or to his designated representative: *Provided fur-*  
16 *ther*, That if, upon certification, reasons deemed sufficient by  
17 the Civil Service Commission for passing over his name  
18 shall three times have been given by an appointing officer,  
19 certification of his name for appointment may thereafter be  
20 discontinued, prior notice of which shall be sent to the veteran  
21 eligible. When two or more substitutes are appointed on  
22 the same day, they shall be promoted to the regular force in  
23 the order in which their names appeared on the civil-service  
24 register from which they were originally appointed, when-  
25 ever there are substitutes of the required sex who are

1 eligible and will accept, unless such vacancies are filled  
2 by transfer or reinstatement.

3 SEC. 9. In the unclassified Federal, and District of  
4 Columbia, civil service, and in all other positions and employ-  
5 ment hereinbefore referred to in (c) of section 2 hereof, the  
6 nominating or appointing officer or employing official shall  
7 make selection from the qualified applicants in accordance  
8 with the provisions of this Act.

9 SEC. 10. The Civil Service Commission is authorized and  
10 directed to hold an examination, during the next succeeding  
11 quarterly period, for any position to which any appointment  
12 has been made within the preceding three years, for, and  
13 upon application by any person included under section 2 (1),  
14 (2), and (3) of this Act.

15 SEC. 11. The Civil Service Commission is hereby author-  
16 ized to promulgate appropriate rules and regulations for the  
17 administration and enforcement of the provisions of this Act  
18 and the President is authorized to promulgate such Executive  
19 orders as may extend additional preferences to veterans not  
20 herein provided.

21 SEC. 12. In any reduction in personnel in any civilian  
22 service of any Federal agency, competing employees shall  
23 be released in accordance with Civil Service Commission  
24 regulations which shall give due effect to tenure of employ-  
25 ment, military preference, length of service, and efficiency

1 ratings: *Provided*, That the length of time spent in active  
2 service in the armed forces of the United States of each such  
3 employee shall be credited in computing length of total  
4 service: *Provided further*, That preference employees whose  
5 efficiency ratings are "good" or better shall be retained in  
6 preference to all other competing employees and that prefer-  
7 ence employees whose efficiency rating are below "good"  
8 shall be retained in preference to competing nonpreference  
9 employees who have equal or lower efficiency ratings: *And*  
10 *provided further*, That when any or all of the functions of  
11 any agency are transferred to, or when any agency is re-  
12 placed by, some other agency, or agencies, all preference  
13 employees in such transferring agency shall first be transferred  
14 to the replacing agency, or agencies, for employment in posi-  
15 tions for which they are qualified, before such agency, or  
16 agencies, shall appoint additional employees from any other  
17 source for such positions.

18 SEC. 13. Any preference eligible who has resigned or  
19 who has been dismissed or furloughed may, at the request  
20 of any appointing officer, be certified for, and appointed to,  
21 any position for which he may be eligible in the civil service,  
22 Federal, or District of Columbia, or in any establishment,  
23 agency, bureau, administration, project, or department, tem-  
24 porary or permanent.

25 SEC. 14. No preference eligible employed in the civil

1 service, or in any establishment, agency, bureau, administra-  
2 tion, project, or department, indefinite or permanent, herein-  
3 before referred to shall be discharged, suspended, furloughed  
4 without pay, reduced in rank or compensation, or debarred  
5 for future appointment except for such cause as will promote  
6 the efficiency of the service and for reasons given in writing,  
7 and the person whose discharge, suspension, furlough without  
8 pay, or reduction in rank or compensation is sought shall  
9 have at least thirty days' advance written notice (except  
10 where guilty of a crime for which a sentence of imprison-  
11 ment can be imposed), stating any and all reasons, specifi-  
12 cally and in detail, for any such proposed action; such pref-  
13 erence eligible shall be allowed a reasonable time for answer-  
14 ing the same personally and in writing, and for furnishing  
15 affidavits in support of such answer, and shall have the right  
16 to appeal to the Civil Service Commission from an adverse  
17 decision of the administrative officer so acting, such appeal  
18 to be made in writing within a reasonable length of time after  
19 the date of receipt of notice of such adverse decision: *Pro-*  
20 *vided*, That such preference eligible shall have the right to  
21 make a personal appearance, or an appearance through a  
22 designated representative, in accordance with such reasonable  
23 rules and regulations as may be issued by the Civil Service  
24 Commission; after investigation and consideration of the evi-  
25 dence submitted, the Civil Service Commission shall submit



1 its findings and recommendations to the proper administrative  
2 officer and shall send copies of same to the appellant or to  
3 his designated representative: *Provided further*, That the  
4 Civil Service Commission may declare any such preference  
5 eligible who may have been dismissed or furloughed without  
6 pay to be eligible for the provisions of section 15 hereof.

7       SEC. 15. Any preference eligible, who has been fur-  
8 loughed, suspended, or dismissed, without prejudice, shall  
9 have his name placed on all appropriate civil-service reg-  
10 isters and/or on all employment lists, for every position for  
11 which his qualifications have been established, as maintained  
12 by the Civil Service Commission, or as shall be maintained  
13 by any agency or project of the Federal Government, or of  
14 the District of Columbia, in the order as provided in section  
15 7 hereof, and shall then be eligible for recertification and  
16 reappointment in the order and according to the procedure  
17 as provided for in sections 7 and 8 hereof. No appointment  
18 shall be made from an examination register of eligibles when  
19 there are three or more names of preference eligibles on any  
20 appropriate reemployment list for the position to be filled.

21       SEC. 16. Any preference eligible who has resigned shall,  
22 upon request to the Civil Service Commission, have his name  
23 again placed on all proper civil-service registers for which  
24 he may have been qualified, in the order as provided for  
25 in section 7 hereof, and shall then be eligible for recertifica-

1 tion and reappointment in the order, and according to the  
2 procedure, as provided for in sections 7 and 8 hereof.

3 SEC. 17. The term "Civil Service Commission" or  
4 "Commission" as used in this Act shall mean the present  
5 United States Civil Service Commission or any body or  
6 person who may by law succeed to its powers and duties,  
7 or any of them, or which or who may be designated by law  
8 to perform any specific duty and possess any specific power  
9 concerning matters covered by this Act.

10 SEC. 18. All Acts and parts of Acts inconsistent with the  
11 provisions hereof are hereby modified to conform herewith,  
12 and this Act shall not be construed to take away from any  
13 preference eligible any rights heretofore granted to, or  
14 possessed by, him under any existing law, Executive order,  
15 civil-service rule or regulation, of any department of the Gov-  
16 ernment or officer thereof.

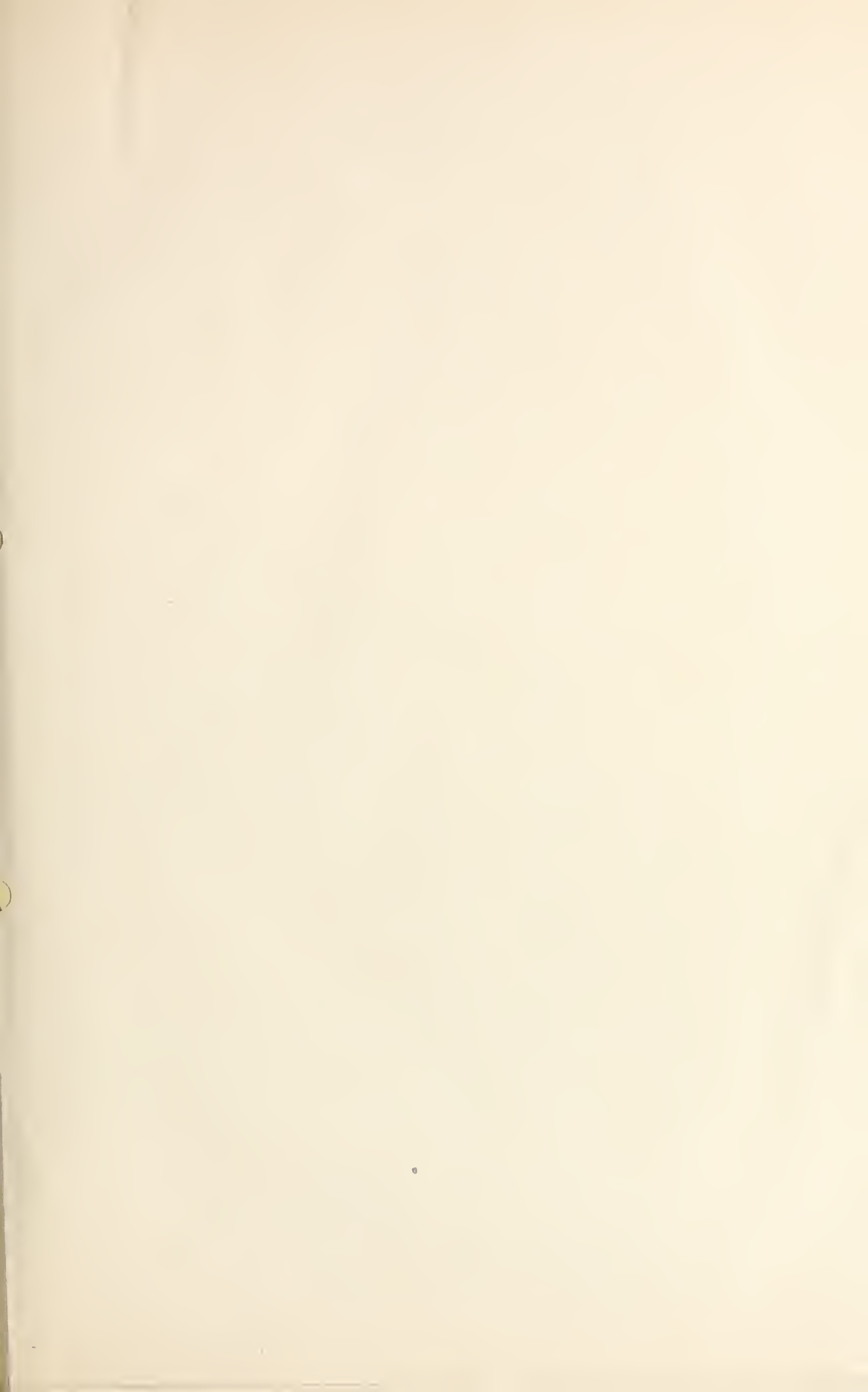
17 SEC. 19. It shall be the authority and duty of the Civil  
18 Service Commission in all cases under the classified civil  
19 service to make and enforce appropriate rules and regulations  
20 to carry into full effect the provisions, intent, and purpose of  
21 this Act and such Executive orders as may be issued pursuant  
22 thereto and in furtherance thereof.

23 SEC. 20. Nothing contained in this Act is intended to  
24 apply to any position or appointment which by the Congress  
25 is required to be confirmed by, or made with, the advice and



1 consent of the United States Senate: *Provided, however,* That  
2 the provisions of this Act shall apply to appointments under  
3 Public Law Numbered 720, Seventy-fifth Congress, third  
4 session, approved June 25, 1938.

5 SEC. 21. If any part of this Act shall be found to be  
6 unconstitutional, the rest of it shall be considered as in full  
7 force and effect.



78TH CONGRESS  
2d Session

# H. R. 4115

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## A BILL

To give honorably discharged veterans, their widows, and the wives of disabled veterans, who themselves are not qualified, preference in employment where Federal funds are disbursed.

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By Mr. STARNES of Alabama

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FEBRUARY 3, 1944

Referred to the Committee on the Civil Service





78TH CONGRESS  
2D SESSION

# S. 1762

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## IN THE SENATE OF THE UNITED STATES

MARCH 9 (legislative day, FEBRUARY 7), 1944

Mr. SCRUGHAM introduced the following bill; which was read twice and referred to the Committee on Civil Service

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## A BILL

To give honorably discharged veterans, their widows, and the wives of disabled veterans, who themselves are not qualified, preference in employment where Federal funds are disbursed.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*  
3       That this Act may be cited as the "Veterans' Preference  
4       Act of 1944".

5       SEC. 2. In certification for appointment, in appoint-  
6       ment, in reinstatement, in reemployment, and in retention  
7       in civilian positions in all establishments, agencies, bureaus,  
8       administrations, projects, and departments of the Govern-  
9       ment, permanent or temporary, and in either (a) the  
10      classified civil service; (b) the unclassified civil service;



1 (c) any temporary or emergency establishment, agency,  
2 bureau, administration, project, and department, created by  
3 Acts of Congress or Presidential Executive order; and  
4 (d) the civil service of the District of Columbia, preference  
5 shall be given to (1) those ex-service men and women who  
6 have served in any branch of the armed forces of the United  
7 States who have established the present existence of a  
8 service-connected disability or who are receiving compen-  
9 sation, disability retirement benefits, or pension by reason  
10 of public laws administered by the Veterans' Administra-  
11 tion, the War Department, or the Navy Department; (2)  
12 the wives of such service-connected disabled ex-service men  
13 as have themselves been unable to qualify for any civil-  
14 service appointment; (3) the unmarried widows of deceased  
15 ex-service men who had served in any branch of the armed  
16 forces of the United States during any war, or in any cam-  
17 paign or expedition (for which a campaign badge has been  
18 authorized) ; and (4) those honorably discharged ex-service  
19 men and women who have served in any branch of the  
20 armed forces of the United States, during any war, or in any  
21 campaign or expedition (for which a campaign badge has  
22 been authorized) .

23 SEC. 3. In all examinations to determine the qualifica-  
24 tions of applicants, ten points shall be added to the earned  
25 ratings of those persons included under section 2 (1), (2) .

1 and (3), and five points shall be added to the earned ratings  
2 of those persons included under section 2 (4) of this Act:  
3 *Provided*, That in examinations for the positions of guards,  
4 elevator operators, messengers, and custodians competition  
5 shall be restricted to persons entitled to preference under this  
6 Act and during the present war and for a period of five  
7 years following the termination of the present war as pro-  
8 claimed by the President or by a concurrent resolution of  
9 the Congress for such other positions as may from time to  
10 time be determined by the President.

11 SEC. 4. In examinations where experience is an element  
12 of qualification, time spent in the military or naval service  
13 of the United States shall be credited in a veteran's rating  
14 where his or her actual employment in a similiar vocation  
15 to that for which he or she is examined was interrupted by  
16 such military or naval service. In all examinations to  
17 determine the qualifications of a veteran applicant, credit  
18 shall be given for all valuable experience, including expe-  
19 rience gained in religious, civic, welfare, service, and organi-  
20 zational activities, regardless of whether any compensation  
21 was received therefor.

22 SEC. 5. In determining qualifications for examination,  
23 appointment, promotion, retention, transfer, or reinstate-  
24 ment, with respect to preference eligibles, the Civil Service  
25 Commission or other examining agency shall waive require-

1 ments as to age, height, and weight, provided any such  
2 requirement is not essential to the performance of the  
3 duties of the position for which examination is given. The  
4 Civil Service Commission or other examining agency, after  
5 giving due consideration to the recommendation of any  
6 accredited physician in the service of the United States,  
7 shall waive the physical requirements in the case of any  
8 veteran, provided such veteran is, in the opinion of the  
9 Civil Service Commission, physically able to discharge ef-  
10 ficiently the duties of the position for which the examination  
11 is given. No educational standard will be prescribed in  
12 any civil-service examination except for such scientific,  
13 technical, or professional positions the duties of which the  
14 Civil Service Commission decides cannot be performed by  
15 a person who does not have such education.

16 SEC. 6. Preference eligibles shall not be subject to the  
17 provisions of the Civil Service Act concerning apportion-  
18 ment of appointments in the Government departments in  
19 the District of Columbia among the several States and  
20 Territories according to population, but may be required  
21 to furnish evidence of residence and domicile.

22 SEC. 7. The names of preference eligibles shall be en-  
23 tered on the appropriate registers or lists of eligibles in  
24 accordance with their respective augmented ratings, and the  
25 name of a preference eligible shall be entered ahead of all



1 others having the same rating: *Provided*, That, except for  
2 positions in the professional and scientific services for which  
3 the entrance salary is over \$3,000 per annum, the names of  
4 all qualified preference eligibles, entitled to ten points in  
5 addition to their earned ratings shall be placed at the top  
6 of the appropriate civil-service register or employment list,  
7 in accordance with their respective augmented ratings:  
8 *Provided further*, That nothing herein shall prevent any  
9 particular class of preference eligibles being placed in a higher  
10 place on said registers or lists by existing or future Executive  
11 order or rule of the Civil Service Commission.

12 SEC. 8. When, in accordance with civil-service laws and  
13 rules, a nominating or appointing officer shall request cer-  
14 tification of eligibles for appointment purposes, the Civil  
15 Service Commission shall certify, from the top of the appro-  
16 priate register of eligibles, a number of names sufficient to  
17 permit the nominating or appointing officer to consider three  
18 names in connection with each vacancy. The nominating or  
19 appointing officer shall make selection for each vacancy from  
20 not more than the highest three names available for appoint-  
21 ment on such certification, unless objection shall be made,  
22 and sustained by the Commission, to one or more of the  
23 persons certified, for any proper and adequate reason, as  
24 may be prescribed in the rules promulgated by the Civil  
25 Service Commission: *Provided further*, That an appointing



1 officer who passes over a veteran eligible and selects a non-  
2 veteran shall file with the Civil Service Commission his  
3 reasons in writing for so doing, which shall become a part  
4 of the record of such veteran eligible, and shall be made  
5 available upon request to the veteran or his designated repre-  
6 sentative; the Civil Service Commission is directed to deter-  
7 mine the sufficiency of such submitted reasons and, if found  
8 insufficient, shall require such appointing officer to submit  
9 more detailed information in support thereof; the findings  
10 of the Civil Service Commission as to the sufficiency or in-  
11 sufficiency of such reasons shall be transmitted to and con-  
12 sidered by such appointing officer, and a copy thereof shall  
13 be sent to the veteran eligible or to his designated repre-  
14 sentative: *Provided further*, That if, upon certification,  
15 reasons deemed sufficient by the Civil Service Commission  
16 for passing over his name shall three times have been given  
17 by an appointing officer, certification of his name for appoint-  
18 ment may thereafter be discontinued, prior notice of which  
19 shall be sent to the veteran eligible. When two or more  
20 substitutes are appointed on the same day, they shall be  
21 promoted to the regular force in the order in which their  
22 names appeared on the civil-service register from which they  
23 were originally appointed, whenever there are substitutes of  
24 the required sex who are eligible and will accept, unless such  
25 vacancies are filled by transfer or reinstatement.

1        SEC. 9. In the unclassified Federal, and District of  
2 Columbia, civil service, and in all other positions and employ-  
3 ment hereinbefore referred to in (c) of section 2 hereof, the  
4 nominating or appointing officer or employing official shall  
5 make selection from the qualified applicants in accordance  
6 with the provisions of this Act.

7        SEC. 10. The Civil Service Commission is authorized  
8 and directed to hold an examination, during the next suc-  
9 ceeding quarterly period, for any position to which any  
10 appointment has been made within the preceding three years,  
11 for, and upon application by any person included under sec-  
12 tion 2 (1), (2), and (3) of this Act.

13       SEC. 11. The Civil Service Service Commission is hereby  
14 authorized to promulgate appropriate rules and regulations  
15 for the administration and enforcement of the provisions of  
16 this Act and the President is authorized to promulgate such  
17 Executive orders as may extend additional preferences to  
18 veterans not herein provided.

19       SEC. 12. In any reduction in personnel in any civilian  
20 service of any Federal agency, competing employees shall  
21 be released in accordance with Civil Service Commission  
22 regulations, which shall give due effect to tenure of employ-  
23 ment, military preference, length of service, and efficiency  
24 ratings: *Provided*, That the length of time spent in active  
25 service in the armed forces of the United States of each such



1 employee shall be credited in computing length of total serv-  
2 ice: *Provided further*, That preference employees whose  
3 efficiency ratings are "good" or better shall be retained in  
4 preference to all other competing employees and that prefer-  
5 ence employees whose efficiency ratings are below "good"  
6 shall be retained in preference to competing nonpreference  
7 employees who have equal or lower efficiency ratings: *And*  
8 *provided further*, That when any or all of the functions of  
9 any agency are transferred to, or when any agency is replaced  
10 by, some other agency, or agencies, all preference employees  
11 in such transferring agency shall first be transferred to the  
12 replacing agency, or agencies, for employment in positions  
13 for which they are qualified, before such agency, or agencies,  
14 shall appoint additional employees from any other source  
15 for such positions.

16 SEC. 13. Any preference eligible who has resigned or  
17 who has been dismissed or furloughed may, at the request  
18 of any appointing officer, be certified for, and appointed to,  
19 any position for which he may be eligible in the civil service,  
20 Federal, or District of Columbia, or in any establishment,  
21 agency, bureau, administration, project, or department, tem-  
22 porary or permanent.

23 SEC. 14. No preference eligible employed in the civil  
24 service, or in any establishment, agency, bureau, administra-  
25 tion, project, or department, indefinite or permanent, here-

1 inbefore referred to shall be discharged, suspended, fur-  
2 loughed without pay, reduced in rank or compensation, or  
3 debarred for future appointment except for such cause as  
4 will promote the efficiency of the service and for reasons  
5 given in writing, and the person whose discharge, suspension,  
6 furlough without pay, or reduction in rank or compensation  
7 is sought shall have at least thirty days' advance written  
8 notice (except where guilty of a crime for which a sen-  
9 tence of imprisonment can be imposed), stating any and all  
10 reasons, specifically and in detail, for any such proposed  
11 action; such preference eligible shall be allowed a reason-  
12 able time for answering the same personally and in writing,  
13 and for furnishing affidavits in support of such answer, and  
14 shall have the right to appeal to the Civil Service Commis-  
15 sion from an adverse decision of the administrative officer  
16 so acting, such appeal to be made in writing within a reason-  
17 able length of time after the date of receipt of notice of such  
18 adverse decision: *Provided*, That such preference eligible  
19 shall have the right to make a personal appearance, or an  
20 appearance through a designated representative, in accord-  
21 ance with such reasonable rules and regulations as may be  
22 issued by the Civil Service Commission; after investigation  
23 and consideration of the evidence submitted, the Civil Serv-  
24 ice Commission shall submit its findings and recommenda-  
25 tions to the proper administrative officer and shall send copies

1 of same to the appellant or to his designated representative:  
2 *Provided further*, That the Civil Service Commission may  
3 declare any such preference eligible who may have been  
4 dismissed or furloughed without pay to be eligible for the  
5 provisions of section 15 hereof.

6 SEC. 15. Any preference eligible, who has been fur-  
7 loughed, suspended, or dismissed, without prejudice, shall  
8 have his name placed on all appropriate civil-service reg-  
9 isters and/or on all employment lists, for every position  
10 for which his qualifications have been established, as main-  
11 tained by the Civil Service Commission, or as shall be  
12 maintained by any agency or project of the Federal Gov-  
13 ernment, or of the District of Columbia, in the order as  
14 provided in section 7 hereof, and shall then be eligible for  
15 recertification and reappointment in the order and according  
16 to the procedure as provided for in sections 7 and 8 hereof.  
17 No appointment shall be made from an examination register  
18 of eligibles when there are three or more names of preference  
19 eligibles on any appropriate reemployment list for the posi-  
20 tion to be filled.

21 SEC. 16. Any preference eligible who has resigned shall,  
22 upon request to the Civil Service Commission, have his  
23 name again placed on all proper civil-service registers for  
24 which he may have been qualified, in the order as provided  
25 for in section 7 hereof, and shall then be eligible for recer-

1 tification and reappointment in the order, and according to  
2 the procedure, as provided for in sections 7 and 8 hereof.

3 SEC. 17. The term "Civil Service Commission" or  
4 "Commission" as used in this Act shall mean the present  
5 United States Civil Service Commission or anybody or  
6 person who may by law succeed to its powers and duties,  
7 or any of them, or which or who may be designated by law  
8 to perform any specific duty and possess any specific power  
9 concerning matters covered by this Act.

10 SEC. 18. All Acts and parts of Acts inconsistent with  
11 the provisions hereof are hereby modified to conform here-  
12 with, and this Act shall not be construed to take away from  
13 any preference eligible any rights heretofore granted to, or  
14 possessed by, him under any existing law, Executive order,  
15 civil-service rule or regulation, of any department of the  
16 Government or officer thereof.

17 SEC. 19. It shall be the authority and duty of the Civil  
18 Service Commission in all cases under the classified civil  
19 service to make and enforce appropriate rules and regulations  
20 to carry into full effect the provisions, intent, and pur-  
21 pose of this Act and such Executive orders as may be issued  
22 pursuant thereto and in furtherance thereof.

23 SEC. 20. Nothing contained in this Act is intended to  
24 apply to any position or appointment which by the Congress  
25 is required to be confirmed by, or made with, the advice

1 and consent of the United States Senate: *Provided, however,*  
2 That the provisions of this Act shall apply to appointments  
3 under Public Law Numbered 720, Seventy-fifth Congress,  
4 third session, approved June 25, 1938.

5 SEC. 21. If any part of this Act shall be found to be  
6 unconstitutional, the rest of it shall be considered as in full  
7 force and effect.





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## A BILL

---

To give honorably discharged veterans, their widows, and the wives of disabled veterans, who themselves are not qualified, preference in employment where Federal funds are disbursed.

---

By Mr. SCRUGHAM

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MARCH 9 (legislative day, FEBRUARY 7), 1944  
Read twice and referred to the Committee on  
Civil Service





## EXTENSION OF PREFERENCE TO VETERANS WHO DESIRE TO COMPETE FOR POSITIONS IN THE FEDERAL CIVIL SERVICE

MARCH 27, 1944.—Committed to the Committee of the Whole House on the state  
of the Union and ordered to be printed

Mr. RAMSPECK from the Committee on the Civil Service, submitted  
the following

### REPORT

[To accompany H. R. 4115]

The Committee on the Civil Service, to whom was referred the bill (H. R. 4115) to give honorably discharged veterans, their widows; and the wives of disabled veterans, who themselves are not qualified, preference in employment where Federal funds are disbursed, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

The amendments are as follows:

On page 2, line 6, after the word "served", insert the word "honorably".

On page 2, line 12, after the semicolon, strike out all of clause (2) in lines 12, 13, 14, and 15, and insert in lieu thereof:

(2) the wives of such service-connected disabled ex-servicemen and the husbands of such service-connected disabled ex-servicewomen as have themselves been unable to qualify for any civil service appointments;

On page 2, line 16, after the word "who" strike out the word "had" and after the word "served" insert the word "honorably".

On page 2, line 19, change the semicolon to a comma, and before the word "and" insert the following:

the widowers of any deceased ex-servicewomen who served honorably in any branch of the armed forces of the United States during any war or in any campaign or expedition (for which a campaign badge has been authorized) who are supporting any children under 18 years of age of such deceased ex-servicewomen;

On page 2, line 25, after the word "applicants" insert "for entrance into the service".

On page 3, line 7, after the word "Act" insert "as long as persons entitled to preference are available".

On page 4, line 9, after the word "Commission" insert "or other examining agency".

On page 4, line 11, after the word "No" insert the word "minimum" and after the word "educational" strike out the word "standard" and insert the word "requirement".

On page 4, line 15, after the period, insert the following sentence:  
The Commission shall make a part of its public records its reasons for such decision.

On page 4, line 17, after the word "provisions" strike out the words "of the Civil Service Act" and insert:

of section 9 of the Civil Service Act concerning two or more members of family in the service, or to the provisions of section 2 of that Act

On page 5, line 7, change the colon to a period and strike out the proviso through line 11.

On page 5, line 17, after the word "consider" insert "at least".

On page 6, line 15, after the word "representative" insert "upon request therefor".

On page 6, line 21, strike out the word "When" and insert in lieu thereof "Whenever in the Postal Service".

On page 7, line 12, after the last comma, strike out the remainder of the sentence and insert in lieu thereof:

any person included under section 2 (1), (2), and (3) of this Act upon application for examination for any such position.

On page 7, line 17, insert a period after the word "Act" and strike out lines 18, 19, and 20.

On page 8, line 13, after the word "in" strike out the words "such transferring agency" and insert in lieu thereof "the function or functions transferred or in the agency which is replaced by some other agency".

On page 8, line 25, after the word "No" insert "permanent or indefinite" and after the word "eligible" insert ", who has completed a probationary or trial period,".

On page 9, line 2, after the word "department," strike out the words "indefinite or permanent".

On page 9, line 3, after the word "suspended" insert "for more than thirty days".

On page 9, line 7, after the word "suspension" insert "for more than thirty days".

On page 9, line 10, after the word "where" insert "there is reasonable cause to believe the employee to be".

On page 10, line 8, strike out the words "suspended, or dismissed, without prejudice" and insert "or separated without delinquency or misconduct, upon request".

#### GENERAL STATEMENT

It has been the policy of the United States Government since the beginning of the Republic to extend certain benefits to those who have risked their lives in the armed services during wartime. Since shortly after the Civil War, the Congress has provided in various statutes for different forms of preference in governmental employment to war veterans. These statutes have usually been in broad,

general terms, and have been applied under Executive orders and regulations promulgated by the President.

For a number of years proposals have been introduced in Congress to codify or establish by statute veterans' preference in governmental employment. Your committee has conducted public hearings on this subject at least three times within the past few years. This bill is an attempt to meet the requirements of such an act. Careful consideration has been given to its provisions in the light of past legislation and practices. The bill has the endorsement of the President, the Civil Service Commission, and the three major veterans' organizations of the country. For the information of the membership of the House, there are printed hereafter letters to this effect.

Private employers and corporations, as well as State, county, and municipal governments, have been urged through the selective-service law and otherwise to afford reemployment to veterans when they leave the armed forces. Your committee feels that the Federal Government should set the pace, and that this proposal is an essential part of the reemployment and rehabilitation program. The committee is of the opinion there should be put in one statute all provisions granting military preference in connection with civilian employment by the Government, in order that there may be statutory authority for the preference to be granted veterans in connection with appointment and retention in civilian positions.

#### COMMENT

The principal changes from existing practice respecting military preference are described below:

Section 2 defines the groups or classes of veterans to whom preference is to be granted. It will be noted that this includes for the first time husbands and widowers of service-connected disabled ex-service women. It also eliminates from future preference so-called peacetime veterans, but in section 18 there is specific provision that the act is not to be construed as taking away from any preference eligible any rights heretofore granted to, or possessed by, him under any existing law, Executive order, civil-service rule or regulation, of any department of the Government or officer thereof.

Section 3 in addition to carrying into law the present provisions of the Civil Service rules providing for the addition of 10 points for disability preference and 5 points for nondisability preference, also provides that so long as persons entitled to preference are available civil-service examinations for positions of guard, elevator operator, messenger, and custodian are to be limited to competition among persons entitled to preference. A further provision in this section is that during the present war and for a period of 5 years following the termination of the present war such other positions may be limited to competition among veterans as may from time to time be determined by the President.

Section 6, in addition to waiving in favor of veterans the apportionment of appointments in the Government departments in the District of Columbia among the several States and Territories according to population, also provides for the first time that preference eligibles shall not be subject to the provisions of section 9 of the Civil Service Act of 1883 concerning two or more members of a family in the service.



Section 7 provides for continuance of the present absolute preference to persons entitled to disability preference, with the amendment that for professional and scientific positions for which the entrance salary is over \$3,000 per annum such absolute preference shall not apply. For these types of positions the disabled veterans, of course, will be granted 10 points in addition to their earned ratings and their names will be certified on the basis of their augmented ratings in competition with the other eligibles on the civil-service registers.

In section 8 there is specific provision that when an appointing officer passes over a veteran eligible and selects a nonveteran he shall file with the Civil Service Commission his reasons in writing for so doing, which reasons shall become a part of the record of the veteran and shall be made available upon request to the veteran or his designated representative. The Commission further is directed to determine the sufficiency of such submitted reasons and the findings of the Commission as to the sufficiency or insufficiency of such reasons shall be transmitted to and considered by the appointing officer, and a copy thereof shall be sent to the veteran eligible or his designated representative upon request.

Section 12 provides for procedure in any reduction in personnel in any civilian service of any Federal agency, specific provisions appearing with respect to the preferred status of veterans in retention. Provision is also made in this section directing that when any or all of the functions of any agency are transferred to, or when any agency is replaced by, some other agency, or agencies, all preference employees in the function or functions transferred or in the agency which is replaced by some other agency shall first be transferred to the replacing agency, or agencies, for employment in positions for which they are qualified, before such agency, or agencies, shall appoint additional employees from any other source for such positions.

Section 14 gives special preferences to veterans in the way of prior notice before they are discharged, suspended for more than 30 days, furloughed without pay, reduced in rank or compensation, or debarred for future appointment except for such cause as shall promote the efficiency of the service and for reasons given in writing. This section gives such a preference eligible the right to appeal to the Civil Service Commission from an adverse decision of any administrative officer, with the further right of making a personal appearance or an appearance through a designated representative, in accordance with the rules and regulations as may be issued by the Civil Service Commission.

Sections 15 and 16 relate to the preferences granted veteran eligibles in connection with appropriate civil-service registers.

Section 20 provides that this proposal would not apply to positions where Senate confirmation is required; however, it would apply to postmaster appointments.

(The letters from the President of the United States, the Civil Service Commission follow as well as a joint letter from the service representatives of the three major veterans' organizations:

THE WHITE HOUSE,  
Washington, February 26, 1944.

Hon. ROBERT RAMSPECK,

*Chairman, Civil Service Committee, House of Representatives,*  
Washington, D. C.

DEAR MR. RAMSPECK: I have learned with real interest that your committee is planning to consider, in the near future, certain legislative proposals relating to

the extension of preference to veterans who desire to compete for positions in the Federal civil service.

I believe that the Federal Government, functioning in its capacity as an employer, should take the lead in assuring those who are in the armed services that when they return special consideration will be given to them in their efforts to obtain employment. It is absolutely impossible to take millions of our young men out of their normal pursuits for the purpose of fighting to preserve the Nation, and then expect them to resume their normal activities without having any special consideration shown them.

The problems of readjustment will be difficult for all of us. They will be particularly difficult for those who have spent months and even years at the battle fronts all over the world. Surely a grateful nation will want to express its gratitude in deeds as well as in words.

I believe that legislation relating to preference for veterans in positions in the Federal civil service should include, among others, the following points:

1. Authority should be granted, during the war and for a period of 5 years following the war, to restrict to veterans examinations for such positions as may, from time to time, be designated by the President. Those who are fighting for the life of the Nation today will, upon their return to civilian life, be in a position to make a unique contribution to the administration of government. We should be in a position to take full advantage of this fact.

2. Where competition is not restricted solely to veterans, provision should be made for adding points to the earned ratings of veterans who compete for positions in the Federal civil service.

3. The Civil Service Commission should be given the authority to determine whether or not the reasons advanced by appointing officers for passing over veterans on lists of eligibles are valid. Furthermore, appointing officers should be required to consider the Commission's findings before filling vacancies. This will center in one agency the responsibility for determining whether or not a veteran is entitled to consideration for a particular job.

4. Veterans should be accorded special consideration in connection with any reductions in total personnel which it may be necessary for Federal agencies to work out from time to time.

It is my understanding that H. R. 4115, as introduced by the Honorable Joe Starnes, of Alabama, is in substantial conformity with the principles above outlined. I sincerely hope, therefore, that this bill may receive the early and sympathetic consideration of the Congress.

Very sincerely yours,

FRANKLIN D. ROOSEVELT.

UNITED STATES CIVIL SERVICE COMMISSION,  
Washington, D. C., February 8, 1944.

Hon. ROBERT RAMSPECK,  
*Chairman, Committee on the Civil Service,  
House of Representatives.*

DEAR MR. RAMSPECK: Further reference is made to your letter of February 4, 1944, requesting a report of the Commission's views regarding H. R. 4115, a bill to give honorably discharged veterans, their widows, and the wives of disabled veterans, who themselves are not qualified, preference in employment where Federal funds are disbursed.

H. R. 4115 has been introduced as a substitute for H. R. 882, a bill to give honorably discharged veterans, their widows, and the wives of disabled veterans, who themselves are not qualified, preference in employment where Federal funds are disbursed. On January 31, 1944, the Commission furnished you with a copy of its report to Representative Starnes with respect to H. R. 882. The changes which have been made in the bill are listed below.

Section 2. This section has been amended in order to specifically provide that preference shall be given to ex-servicewomen as well as to ex-servicemen.

Section 3. H. R. 882 provided "That 20 per centum of the earned ratings of all preference eligibles shall be added to such earned ratings as to examinations for the positions of guards, elevator operators, messengers, and custodians as a part of such earned ratings." In H. R. 4115 this provision has been amended to read: "Provided, That in examinations for the positions of guards, elevator operators, messengers, and custodians competition shall be restricted to persons entitled to preference under this Act and during the present war and for a period of five years following the termination of the present war as proclaimed by the President or by

a concurrent resolution of the Congress for such other positions as may from time to time be determined by the President."

Section 5. This section of H. R. 882 would have required the Commission, in passing upon the qualifications of an applicant entitled to veteran preference, to waive all requirements as to age, height, weight, physical condition, education, and to determine such applicant's qualifications on the basis of his actual knowledge and ability to perform the duties of the position for which he applies. This section has been rewritten in H. R. 4115 to provide that the Civil Service Commission shall waive requirements as to age, height, and weight, provided that any such requirement is not essential to the performance of the duties of the position. It is further provided that the Commission, after giving due consideration to the recommendation of any accredited physician in the service of the United States, shall waive the physical requirements in the case of any veteran provided it determines that he is physically able to discharge efficiently the duties of the position. This section also provides that "No educational standard will be prescribed in any civil-service examination except for such scientific, technical, or professional positions the duties of which the Civil Service Commission decides cannot be performed by a person who does not have such education."

Section 8. The provision in this section of H. R. 882 to the effect that each veteran eligible shall retain his eligibility until appointed, without regard to the life of any register has been omitted in H. R. 4115.

The second proviso of this section has been reworded in H. R. 4115 as follows: "*Provided further*, That if, upon certification, reasons deemed sufficient by the Civil Service Commission for passing over his name shall three times have been given by an appointing officer, certification of his name for appointment may thereafter be discontinued, prior notice of which shall be sent to the veteran eligible."

Section 11. The authority to promulgate appropriate rules and regulations for the administration and enforcement of the provisions of the bill has been placed in the Civil Service Commission by H. R. 4115. This authority was given to the President in H. R. 882.

Section 12. This section of H. R. 882 provided that in reductions of personnel, employees shall be released in the inverse order of the length of their total Federal service. In accordance with the suggestion made in the Commission's letter of January 31, 1944, this section has been amended in H. R. 4115 to read:

"SEC. 12. In any reduction in personnel in any civilian service of any Federal agency, competing employees shall be released in accordance with Civil Service Commission regulations which shall give due effect to tenure of employment, military preference, length of service, and efficiency ratings: *Provided*, That the length of time spent in active service in the armed forces of the United States of each such employee shall be credited in computing length of total service: *Provided further*, That preference employees whose efficiency ratings are 'good' or better shall be retained in preference to all other competing employees and that preference employees whose efficiency ratings are below 'good' shall be retained in preference to competing nonpreference employees who have equal or lower efficiency ratings: *And provided further*, That when any or all of the functions of any agency are transferred to, or when any agency is replaced by, some other agency, or agencies, all preference employees in such transferring agency shall first be transferred to the replacing agency, or agencies, for employment in positions for which they are qualified, before such agency, or agencies, shall appoint additional employees from any other source for such positions."

Section 14: This section sets up the procedure to govern discharges, suspensions, furloughs without pay, and reductions in rank or compensation of preference employees. H. R. 4115 extends this procedure to preference eligibles who are "debarred for future appointment." Under H. R. 882 the procedure prescribed by this section of the bill would apply to temporary as well as permanent preference employees. H. R. 4115 has substituted the word "indefinite" for "temporary" employment.

Section 20 has been amended to read as follows:

"SEC. 20. Nothing contained in this Act is intended to apply to any position or appointment which by the Congress is required to be confirmed by, or made with, the advice and consent of the United States Senate: *Provided, however*, That the provisions of this Act shall apply to appointments under Public Law Numbered 720, Seventy-fifth Congress, third session, approved June 25, 1938."

It will be noted that the word "Congress" has been substituted for the word "Constitution", and that a new proviso has been added to this section applying the provisions of the bill to appointments of postmasters of the first, second, and third classes (Public Law 720, 75th Cong., approved June 25, 1938, 52 Stat. 1076).



The Commission concurs in the changes that have been made and recommends approval of H. R. 4115 as introduced.

In accordance with established procedure this office has been advised by the Bureau of the Budget that there is no objection to the submission of this report to your committee.

Sincerely yours,

HARRY B. MITCHELL,  
*President.*

WASHINGTON, D. C., February 15, 1944.

HON. ROBERT RAMSPECK,  
*Chairman, Committee on the Civil Service,  
House of Representatives, Washington, D. C.*

DEAR CONGRESSMAN: We, the undersigned representative of the three major veterans' organizations, endorse H. R. 4115, the so-called Veterans' Preference Act, and we are hopeful the measure may be favorably reported by the House Committee on Civil Service at an early date without the necessity of hearings.

The purpose and contents of the bill are explained in the report to your committee from the United States Civil Service Commission.

Any favorable action you and the committee may take will be deeply appreciated by us.

Sincerely yours,

FRANCIS M. SULLIVAN,  
*Executive Director, National Legislative Committee, the American Legion.*  
OMAR KETCHUM,  
*National Legislative Officer, Veterans of Foreign Wars.*  
MILLARD W. RICE,  
*National Service Director, Disabled American Veterans.*

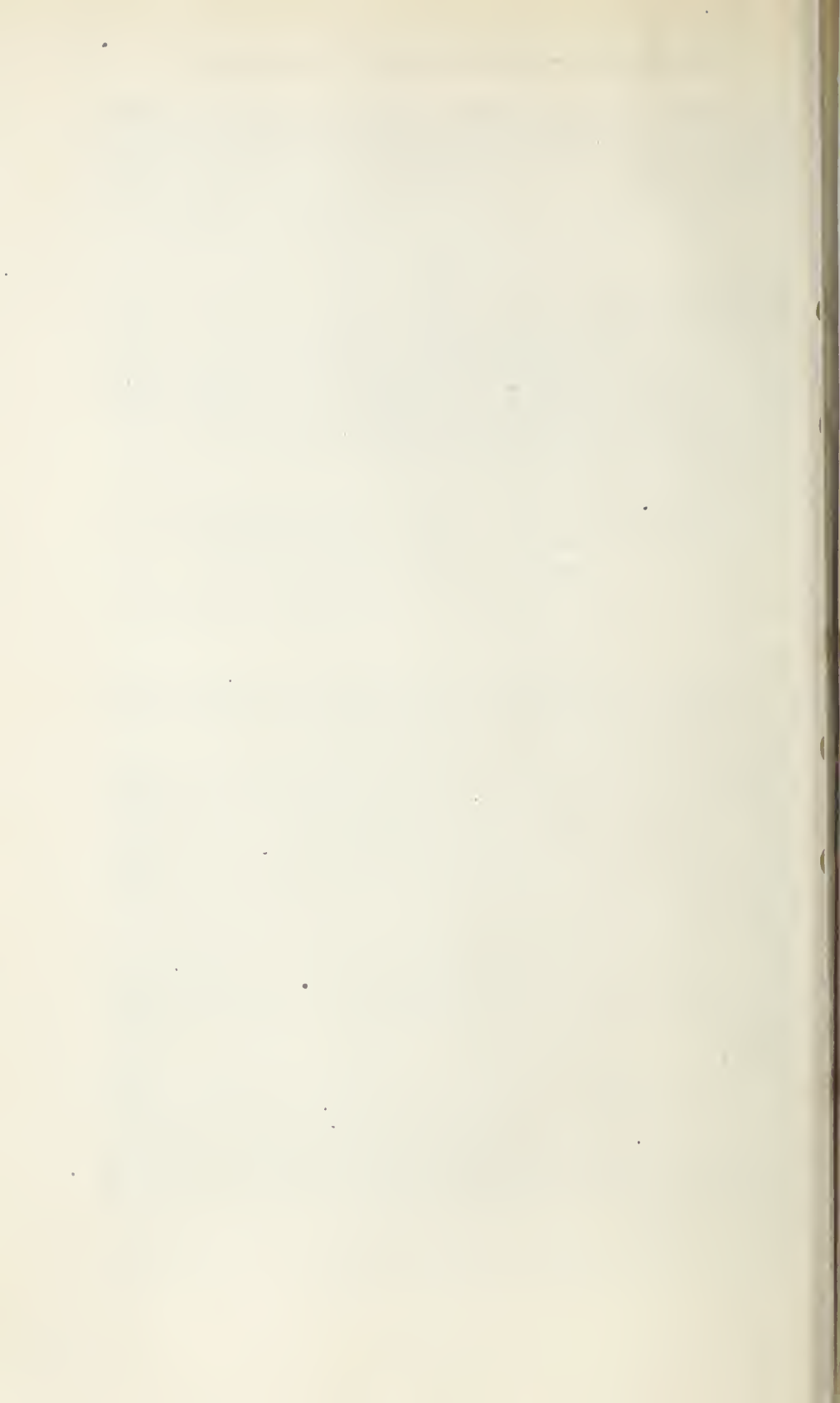
#### CHANGES IN EXISTING LAW

In compliance with paragraph 2a of rule XIII of the Rules of the House of Representatives, the following preference statutes enclosed in black brackets are superseded by H. R. 4115:

【Persons honorably discharged from the military or naval service by reason of disability resulting from wounds or sickness incurred in the line of duty, shall be preferred for appointments to civil offices, provided they are found to possess the business capacity necessary for the proper discharge of the duties of such offices. In making appointments to clerical and other positions in the executive branch of the Government in the District of Columbia or elsewhere preference shall be given to honorably discharged soldiers, sailors, and marines, and widows of such and to the wives of injured soldiers, sailors, and marines who themselves are not qualified, but whose wives are qualified to hold such positions. (R. S. sec. 1754; July 11, 1919, ch. 6, sec. 1, 41 Stat. 37; June 18, 1929, ch. 28, secs. 3, 21, 46 Stat. 21, 26.)】

【\* \* \* *Provided further,* That in making any appointments under this act to positions in the District of Columbia or elsewhere, preference shall be given to persons discharged under honorable conditions from the military or naval forces of the United States who served in such forces during the time of war and were disabled in the line of duty, to their widows, and to their wives if the husband is not qualified to hold such positions (46 Stat. 21, June 18, 1929; 13 U. S. C. 1940 ed. 203).】

【That in making any reduction of force in any of the executive departments the head of such department shall retain those persons who may be equally qualified who have been honorably discharged from the military or naval service of the United States and the widows and orphans of deceased soldiers and sailors (19 Stat. 169, August 15, 1876; 5 U. S. C. 1940 ed. 37). *Provided,* That in the event of reductions being made in the force in any of the executive departments no honorably discharged soldier or sailor whose record in said department is rated good shall be discharged or dropped or reduced in rank or salary (37 Stat. 413, August 23, 1912).】



Union Calendar No. 435

78<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 4115

[Report No. 1289]

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 3, 1944

Mr. STARNES of Alabama introduced the following bill; which was referred to the Committee on the Civil Service

MARCH 27, 1944

Reported with amendments, committed to the Committee of the Whole House on the state of the Union, and ordered to be printed

[Omit the part struck through and insert the part printed in italic]

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## A BILL

To give honorably discharged veterans, their widows, and the wives of disabled veterans, who themselves are not qualified, preference in employment where Federal funds are disbursed.

1        *Be it enacted by the Senate and House of Representa-*  
2        *tives of the United States of America in Congress assembled,*  
3        That this Act may be cited as the "Veterans' Preference  
4        Act of 1944".

5        SEC. 2. In certification for appointment, in appoint-  
6        ment, in reinstatement, in reemployment, and in retention  
7        in civilian positions in all establishments, agencies, bureaus,  
8        administrations, projects, and departments of the Govern-



1 ment, permanent or temporary, and in either (a) the classi-  
2 fied civil service; (b) the unclassified civil service; (c)  
3 any temporary or emergency establishment, agency, bureau,  
4 administration, project, and department created by Acts of  
5 Congress or Presidential Executive order; and (d) the civil  
6 service of the District of Columbia, preference shall be given  
7 to (1) those ex-service men and women who have served  
8 *honorably* in any branch of the armed forces of the United  
9 States who have established the present existence of a serv-  
10 ice-connected disability or who are receiving compensation,  
11 disability retirement benefits, or pension by reason of public  
12 laws administered by the Veterans' Administration, the War  
13 Department or the Navy Department; ~~(2) the wives of~~  
14 ~~such service-connected disabled ex-service men as have them-~~  
15 ~~selves been unable to qualify for any civil-service appoint-~~  
16 ~~ment;~~ (2) *the wives of such service-connected disabled ex-*  
17 *servicemen and the husbands of such service-connected disabled*  
18 *ex-servicewomen as have themselves been unable to qualify*  
19 *for any civil-service appointment;* (3) the unmarried widows  
20 of deceased ex-servicemen who ~~had~~ served *honorably* in any  
21 branch of the armed forces of the United States dur-  
22 ing any war, or in any campaign or expedition (for which  
23 a campaign badge has been authorized), *the widowers of*  
24 *any deceased ex-servicewomen who have served honorably*  
25 *in any branch of the armed forces of the United States during*

1 *any war or in any campaign or expedition (for which a*  
2 *campaign badge has been authorized) who are supporting*  
3 *any children under 18 years of age of such deceased ex-*  
4 *servicewomen; and (4) those honorably discharged ex-*  
5 *servicemen and women who have served in any branch of*  
6 *the armed forces of the United States, during any war, or*  
7 *in any campaign or expedition (for which a campaign badge*  
8 *has been authorized).*

9       SEC. 3. In all examinations to determine the qualifica-  
10 tions of applicants *for entrance into the service* ten points  
11 shall be added to the earned ratings of those persons in-  
12 cluded under section 2 (1), (2), and (3), and five points  
13 shall be added to the earned ratings of those persons included  
14 under section 2 (4) of this Act: *Provided*, That in exami-  
15 nations for the positions of guards, elevator operators, mes-  
16 sengers, and custodians competition shall be restricted to  
17 persons entitled to preference under this Act *as long as*  
18 *persons entitled to preference are available* and during the  
19 present war and for a period of five years following the  
20 termination of the present war as proclaimed by the Presi-  
21 dent or by a concurrent resolution of the Congress for such  
22 other positions as may from time to time be determined by  
23 the President.

24       SEC. 4. In examinations where experience is an ele-  
25 ment of qualification, time spent in the military or naval

1 service of the United States shall be credited in a veteran's  
2 rating where his or her actual employment in a similar  
3 vocation to that for which he or she is examined was inter-  
4 rupted by such military or naval service. In all examinations  
5 to determine the qualifications of a veteran applicant, credit  
6 shall be given for all valuable experience, including expe-  
7 rience gained in religious, civic, welfare, service, and organi-  
8 zational activities, regardless of whether any compensation  
9 was received therefor.

10 SEC. 5. In determining qualifications for examination,  
11 appointment, promotion, retention, transfer, or reinstatement,  
12 with respect to preference eligibles, the Civil Service Com-  
13 mission or other examining agency shall waive requirements  
14 as to age, height, and weight, provided any such requirement  
15 is not essential to the performance of the duties of the position  
16 for which examination is given. The Civil Service Commis-  
17 sion or other examining agency, after giving due consideration  
18 to the recommendation of any accredited physician in the  
19 service of the United States, shall waive the physical require-  
20 ments in the case of any veteran, provided such veteran is, in  
21 the opinion of the Civil Service Commission, *or other ex-*  
22 *amining agency* physically able to discharge efficiently the  
23 duties of the position for which the examination is given.  
24 No *minimum* educational ~~standard~~ *requirement* will be pre-  
25 scribed in any civil-service examination except for such

1 scientific, technical, or professional positions the duties of  
2 which the Civil Service Commission decides cannot be per-  
3 formed by a person who does not have such education. *The*  
4 *Commission shall make a part of its public records its reasons*  
5 *for such decision.*

6 SEC. 6. Preference eligibles shall not be subject to the  
7 provisions of the Civil Service Act of section 9 of the Civil  
8 Service Act concerning two or more members of family in the  
9 service, or to the provisions of section 2 of that Act concerning  
10 apportionment of appointments in the Government depart-  
11 ments in the District of Columbia among the several States  
12 and Territories according to population, but may be required  
13 to furnish evidence of residence and domicile.

14 SEC. 7. The names of preference eligibles shall be en-  
15 tered on the appropriate registers or lists of eligibles in ac-  
16 cordance with their respective augmented ratings, and the  
17 name of a preference eligible shall be entered ahead of all  
18 others having the same rating: *Provided*, That, except for  
19 positions in the professional and scientific services for which  
20 the entrance salary is over \$3,000 per annum, the names of  
21 all qualified preference eligibles, entitled to ten points in ad-  
22 dition to their earned ratings shall be placed at the top of the  
23 appropriate civil-service register or employment list, in ac-  
24 cordance with their respective augmented ratings: *Provided*  
25 *further*, That nothing herein shall prevent any particular class



1 of preference eligibles being placed in a higher place on said  
2 registers or lists by existing or future Executive order or rule  
3 of the Civil Service Commission.

4       SEC. 8. When, in accordance with civil-service laws  
5 and rules, a nominating or appointing officer shall request  
6 certification of eligibles for appointment purposes, the Civil  
7 Service Commission shall certify, from the top of the ap-  
8 propriate register of eligibles, a number of names sufficient to  
9 permit the nominating or appointing officer to consider *at least*  
10 three names in connection with each vacancy. The nominat-  
11 ing or appointing officer shall make selection for each  
12 vacancy from not more than the highest three names  
13 available for appointment on such certification, unless  
14 objection shall be made, and sustained by the Commis-  
15 sion, to one or more of the persons certified, for any  
16 proper and adequate reason, as may be prescribed in the  
17 rules promulgated by the Civil Service Commission: *Pro-*  
18 *vided*, That an appointing officer who passes over a veteran  
19 eligible and selects a nonveteran shall file with the Civil  
20 Service Commission his reasons in writing for so doing,  
21 which shall become a part of the record of such veteran  
22 eligible, and shall be made available upon request to the  
23 veteran or his designated representative; the Civil Service  
24 Commission is directed to determine the sufficiency of such  
25 submitted reasons and, if found insufficient, shall require

1 such appointing officer to submit more detailed information  
2 in support thereof; the findings of the Civil Service Com-  
3 mission as to the sufficiency or insufficiency of such reasons  
4 shall be transmitted to and considered by such appointing  
5 officer, and a copy thereof shall be sent to the veteran  
6 eligible or to his designated representative *upon request there-*  
7 *for: Provided further,* That if, upon certification, reasons  
8 deemed sufficient by the Civil Service Commission for passing  
9 over his name shall three times have been given by an  
10 appointing officer, certification of his name for appointment  
11 may thereafter be discontinued, prior notice of which shall  
12 be sent to the veteran eligible. ~~When~~ *Whenever in the*  
13 *Postal Service* two or more substitutes are appointed on  
14 the same day, they shall be promoted to the regular force in  
15 the order in which their names appeared on the civil-service  
16 register from which they were originally appointed, when-  
17 ever there are substitutes of the required sex who are  
18 eligible and will accept, unless such vacancies are filled by  
19 transfer or reinstatement.

20 SEC. 9. In the unclassified Federal, and District of  
21 Columbia, civil service, and in all other positions and employ-  
22 ment hereinbefore referred to in (c) of section 2 hereof, the  
23 nominating or appointing officer or employing official shall  
24 make selection from the qualified applicants in accordance  
25 with the provisions of this Act.



1        SEC. 10. The Civil Service Commission is authorized and  
2        directed to hold an examination, during the next succeeding  
3        quarterly period, for any position to which any appointment  
4        has been made within the preceding three years, for, ~~and~~  
5        ~~upon application by any person included under section 2 (1),~~  
6        ~~(2), and (3) of this Act~~ *any person included under section*  
7        *2 (1), (2), and (3) of this Act upon application for ex-*  
8        *amination for any such position.*

9        SEC. 11. The Civil Service Commission is hereby author-  
10        ized to promulgate appropriate rules and regulations for the  
11        administration and enforcement of the provisions of this Act  
12        ~~and the President is authorized to promulgate such Executive~~  
13        ~~orders as may extend additional preferences to veterans not~~  
14        ~~herein provided.~~

15        SEC. 12. In any reduction in personnel in any civilian  
16        service of any Federal agency, competing employees shall  
17        be released in accordance with Civil Service Commission  
18        regulations which shall give due effect to tenure of employ-  
19        ment, military preference, length of service, and efficiency  
20        ratings: *Provided*, That the length of time spent in active  
21        service in the armed forces of the United States of each such  
22        employee shall be credited in computing length of total  
23        service: *Provided further*, That preference employees whose  
24        efficiency ratings are "good" or better shall be retained in  
25        preference to all other competing employees and that prefer-

1   ence employees whose efficiency rating are below "good"  
 2   shall be retained in preference to competing nonpreference  
 3   employees who have equal or lower efficiency ratings: *And*  
 4   *provided further*, That when any or all of the functions of  
 5   any agency are transferred to, or when any agency is re-  
 6   placed by, some other agency, or agencies, all preference  
 7   employees in ~~such transferring agency~~ *the function or func-*  
 8   *tions transferred or in the agency which is replaced by some*  
 9   *other agency* shall first be transferred to the replacing agency,  
 10   or agencies, for employment in positions for which they are  
 11   qualified, before such agency, or agencies, shall appoint  
 12   additional employees from any other source for such positions.

13       SEC. 13. Any preference eligible who has resigned or  
 14   who has been dismissed or furloughed may, at the request  
 15   of any appointing officer, be certified for, and appointed to,  
 16   any position for which he may be eligible in the civil service,  
 17   Federal, or District of Columbia, or in any establishment,  
 18   agency, bureau, administration, project, or department, tem-  
 19   porary or permanent.

20       SEC. 14. No *permanent or indefinite* preference eligible,  
 21   *who has completed a probationary or trial period* employed in  
 22   the civil service, or in any establishment, agency, bureau,  
 23   administration, project, or department, ~~indefinite or perma-~~  
 24   ~~nent~~, hereinbefore referred to shall be discharged, suspended  
 25   *for more than thirty days*, furloughed without pay, reduced

1 in rank or compensation, or debarred for future appointment  
2 except for such cause as will promote the efficiency of the  
3 service and for reasons given in writing, and the person  
4 whose discharge, suspension *for more than thirty days*,  
5 furlough without pay, or reduction in rank or compensation  
6 is sought shall have at least thirty days' advance written  
7 notice (except where *there is reasonable cause to believe the*  
8 *employee to be guilty of a crime for which a sentence of*  
9 *imprisonment can be imposed*), stating any and all reasons,  
10 specifically and in detail, for any such proposed action; such  
11 preference eligible shall be allowed a reasonable time for  
12 answering the same personally and in writing, and for furnish-  
13 ing affidavits in support of such answer, and shall have the  
14 right to appeal to the Civil Service Commission from an ad-  
15 verse decision of the administrative officer so acting, such  
16 appeal to be made in writing within a reasonable length of  
17 time after the date of receipt of notice of such adverse deci-  
18 sion: *Provided*, That such preference eligible shall have the  
19 right to make a personal appearance, or an appearance  
20 through a designated representative, in accordance with such  
21 reasonable rules and regulations as may be issued by the Civil  
22 Service Commission; after investigation and consideration of  
23 the evidence submitted, the Civil Service Commission shall  
24 submit its findings and recommendations to the proper ad-  
25 ministrative officer and shall send copies of same to the

1 appellant or to his designated representative: *Provided fur-*  
2 *ther*, That the Civil Service Commission may declare any  
3 such preference eligible who may have been dismissed or  
4 furloughed without pay to be eligible for the provisions of  
5 section 15 hereof.

6 SEC. 15. Any preference eligible, who has been fur-  
7 loughed, ~~suspended, or dismissed, without prejudice or sepa-~~  
8 *rated without delinquency or misconduct, upon request*, shall  
9 have his name placed on all appropriate civil-service reg-  
10 isters and/or on all employment lists, for every position for  
11 which his qualifications have been established, as maintained  
12 by the Civil Service Commission, or as shall be maintained  
13 by any agency or project of the Federal Government, or of  
14 the District of Columbia, in the order as provided in section  
15 7 hereof, and shall then be eligible for recertification and  
16 reappointment in the order and according to the procedure  
17 as provided for in sections 7 and 8 hereof. No appointment  
18 shall be made from an examination register of eligibles when  
19 there are three or more names of preference eligibles on any  
20 appropriate reemployment list for the position to be filled.

21 SEC. 16. Any preference eligible who has resigned shall,  
22 upon request to the Civil Service Commission, have his name  
23 again placed on all proper civil-service registers for which  
24 he may have been qualified, in the order as provided for  
25 in section 7 hereof, and shall then be eligible for recertifica-



tion and reappointment in the order, and according to the procedure, as provided for in sections 7 and 8 hereof.

SEC. 17. The term "Civil Service Commission" or "Commission" as used in this Act shall mean the present United States Civil Service Commission or any body or person who may by law succeed to its powers and duties, or any of them, or which or who may be designated by law to perform any specific duty and possess any specific power concerning matters covered by this Act.

SEC. 18. All Acts and parts of Acts inconsistent with the provisions hereof are hereby modified to conform herewith, and this Act shall not be construed to take away from any preference eligible any rights heretofore granted to, or possessed by, him under any existing law, Executive order, civil-service rule or regulation, of any department of the Government or officer thereof.

SEC. 19. It shall be the authority and duty of the Civil Service Commission in all cases under the classified civil service to make and enforce appropriate rules and regulations to carry into full effect the provisions, intent, and purpose of this Act and such Executive orders as may be issued pursuant thereto and in furtherance thereof.

SEC. 20. Nothing contained in this Act is intended to apply to any position or appointment which by the Congress is required to be confirmed by, or made with, the advice and



1 consent of the United States Senate: *Provided, however,* That  
2 the provisions of this Act shall apply to appointments under  
3 Public Law Numbered 720, Seventy-fifth Congress, third  
4 session, approved June 25, 1938.

5 SEC. 21. If any part of this Act shall be found to be  
6 unconstitutional, the rest of it shall be considered as in full  
7 force and effect.

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# **A BILL**

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To give honorably discharged veterans, their widows, and the wives of disabled veterans, who themselves are not qualified, preference in employment where Federal funds are disbursed.

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By Mr. STARNES of Alabama

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FEBRUARY 3, 1944

Referred to the Committee on the Civil Service

MARCH 27, 1944

Reported with amendments, committed to the Committee of the Whole House on the state of the Union, and ordered to be printed

trained, the distance of available work from his residence and prospects for obtaining local work. No work shall be deemed unsuitable for an individual solely because the wages are less than his readjustment allowance.

"(2) [No] In determining under subsection (a) of this section the suitability of work, no work shall be deemed suitable for an individual if—

"(A) the position offered is vacant due directly to a strike, lock-out, or other labor dispute; or

"(B) the wages, hours, or other conditions of the work offered are substantially less favorable to him than those prevailing for similar work in the locality.

#### "CHAPTER IX—AMOUNT OF ALLOWANCE AND PAYMENT

"Sec. 900. (a) The allowance for a week shall be—

"(1) \$15, plus

"(2) (A) \$5 if the claimant has one dependent, or

"(B) \$8 if he has two dependents, or

"(C) \$10 if he has three or more dependents,

less than part of the wages payable to him for such week which is in excess of \$3: *Provided*, That where the allowance is not a multiple of \$1, it shall be computed to the next highest multiple of \$1.

"(b) The number of weeks of allowances to which each eligible veteran shall be entitled shall be determined as follows: For each calendar month or fraction thereof of active service the veteran shall be entitled to eight weeks of allowances, but in no event to exceed the maximum provided in section 700.

"(c) (1) As used in this section the term 'dependent' includes only—

"(A) the lawful wife of a claimant living with him or receiving regular support from him, or the lawful husband of a claimant if dependent upon his wife for support, who, in the week for which an allowance is claimed, has not received \$5 or more either as wages, as an allowance under this title, or under any Federal or State unemployment or disability compensation law; or

"(B) an unmarried child either (1) under eighteen years of age, or (2) of any age, if incapable of self-support by reason of mental or physical defect.

"(2) As used in this section the term 'child' shall include only—

"(A) a legitimate child;

"(B) a child legally adopted;

"(C) a stepchild, if a member of the claimant's household; or

"(D) a child to whom the claimant stands in loco parentis and has so stood for not less than twelve months prior to the date of this claim on behalf of such child.

"(d) The Administrator may find an individual to be a dependent of the claimant if the claimant has certified the facts required by the provisions of this subsection.

"(e) Where a child is a dependent of more than one claimant, allowance for the child shall be made only on behalf of one claimant, as determined by the Administrator.

"(f) Where a claimant seeks an allowance for a dependent who is separated from him under court order or written agreement, the allowance for the dependent shall not exceed the amount fixed in the court order or in the written agreement. If such amount is not fixed at a weekly rate, the portion payable for each week shall be determined in accordance with regulations of the Administrator.

"Sec. 901. (a) Readjustment allowances shall be paid at reasonable intervals prescribed by the Administrator.

"(b) Any allowances remaining unpaid upon the death of a claimant shall not be considered a part of the assets of the estate of the claimant, or liable for the payment of his debts, or subject to any administration

of his estate, and the Administrator may make payment thereof to such person or persons he finds most equitably entitled thereto.

#### "CHAPTER X—ADJUSTMENT OF DUPLICATE BENEFITS

"Sec. 1000. Where an allowance is payable to a claimant for a week under this title and where, for the same week, either an allowance or benefit is received under any Federal or State unemployment or disability compensation law, or a Federal or State noncontributory benefit is received, the amount received or accrued from such other source shall be subtracted from the allowance payable under this title (except that this section shall not apply to pension, compensation, or retired pay paid by the Veterans' Administration); and the resulting allowances, if not a multiple of \$1, shall be readjusted to the next higher multiple of \$1.

#### "CHAPTER XI—ADMINISTRATION

"Sec. 1100. (a) The Administrator of Veterans' Affairs is authorized to administer this title and shall, insofar as possible, utilize existing facilities and services of Federal and State departments or agencies on the basis of mutual agreements with such departments or agencies. Such agreements shall provide for the filing of claims for readjustment allowances with the Administrator through established public employment offices and State unemployment compensation agencies. Such agencies, through agreement, shall also be utilized in the processing, adjustment, and determination of such claims and the payment of such allowances. To facilitate the carrying out of agreements with State departments or agencies and to assist in the discharge of the Administrator's duties under this title, a representative of the Administrator shall be located in each participating State department or agency.

"(b) The Administrator shall prescribe such rules and regulations and require such records and reports as he may find necessary to carry out the purposes of this title: *Provided, however*, That prior to the adoption of any rules and regulations relating to the performances of Federal or State departments or agencies with which agreements have been made, the Administrator shall consult and advise with representatives of such departments or agencies as to the provisions of such rules and regulations.

"(c) The Administrator may delegate to any officer or employee of his own or of any other department or agency of the Federal Government or of any State such of his powers and duties, except that of prescribing rules and regulations, as the Administrator may consider necessary to carry out the purposes of this title. The Administrator may require any such officer or employee to give a surety bond to the United States in such amount as the Administrator may deem necessary and the cost of such bond shall be paid out of sums appropriated for the administration of this title.

"(d) Allowances shall be paid upon certification by the Administrator. The Secretary of the Treasury, through the Division of Disbursement of the Treasury, and prior to audit and settlement by the General Accounting Office, shall pay, at the time or times fixed by the Administrator, to the departments, agencies, or individuals designated, the amounts so certified.

"(e) The Administrator shall from time to time certify to the Secretary of the Treasury for payment in advance or otherwise such sums as he estimates to be necessary to compensate any Federal department or agency for its administrative expenses under this title. Such sums shall cover periods of no longer than six months.

"The Administrator shall also from time to time certify to the Social Security Board such State departments or agencies as may be participating in the administration of this title. Upon such certification the Social Se-

curity Board shall, in addition to the amounts certified under the provisions of section 302 (a) of the Social Security Act, as amended, certify to the Secretary of the Treasury for payment to each State such amounts as the Board determines to be necessary for the administrative expense of such State under this title.

"(f) Any money paid to any cooperating agency, person, or institution which is not used for the purpose for which it was paid shall, upon termination of the agreement with such agency, person, or institution, be returned to the Treasury and credited to the current appropriation for carrying out the purpose of this title, or, if returned after the expiration of this title, shall be covered into the Treasury, as miscellaneous receipts.

"Sec. 1101 (a) No person designated by the Administrator as a certifying officer shall, in the absence of gross negligence, or intent to defraud the United States, be liable with respect to the payment of any allowance certified by him under this title.

"(b) No disbursing officer shall, in the absence of gross negligence, or intent to defraud the United States, be liable with respect to any payment by him under this title if it was based upon a voucher signed by a certifying officer designated by the Administrator.

"Sec. 1102. Any claimant whose claim for an allowance has been denied shall be entitled to a fair hearing before an impartial tribunal of the State agency or such other agency as may be designated by the Administrator. The representative of the Administrator [located in each State participating in the administration of this title] shall be the final [appellate] authority in regard to contested [claims arising in such State. The decision of the representative shall be subject to review by] claims, subject to appeal to the Administrator.

#### "CHAPTER XII—DECISIONS AND PROCEDURES

"Sec. 1200. The authority to issue subpoenas and provisions for invoking aid of the courts of the United States in case of disobedience thereto, to make investigations and to administer oaths, as contained in III of the Act of June 29, 1936 (49 Stat. 2033-34; U. S. C., title 38, secs. 131-1) shall be applicable in the administration of this title.

#### "CHAPTER XIII—REQUIREMENT OF REPORTING

"Sec. 1300. Any claimant shall report the occurrence of any event which makes him ineligible for or reduces his allowance. Any claimant who fails to report any such event of which he has knowledge and who accepts an allowance to which he is not entitled because of such event shall be ineligible to receive any allowance for four weeks of unemployment thereafter.

#### "CHAPTER XIV—PENALTIES

"Sec. 1400. (a) Whoever, for the purpose of causing an increase in any allowance authorized under this title, or for the purpose of causing any allowance to be paid where none is authorized under this title, shall make or cause to be made any false statement or representation as to any wages paid or received, or whoever makes or causes to be made any false statement of a material fact in any claim for any allowance under this title, or whoever makes or causes to be made any false statement, representation, affidavit, or document in connection with such claim, shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than \$1,000 or imprisoned for not more than one year, or both.

"(b) Whoever shall obtain or receive any money, check, or allowance under this title, without being entitled thereto and with intent to defraud the United States, shall be punished by a fine of not more than \$1,000 or by imprisonment for not more than one year, or both.



## "CHAPTER XV—DEFINITIONS

"SEC. 1500. As used in this title—

"(a) The term 'week' means such period or periods of seven consecutive calendar days as may be prescribed in regulations by the Administrator.

"(b) The term 'United States' used geographically means the several States, the District of Columbia, Alaska, Hawaii, and Puerto Rico.

"(c) The term 'State' includes the District of Columbia, Alaska, Hawaii, and Puerto Rico.

"(d) The term 'wages' means all remuneration for services from whatever sources, including commissions and bonuses and the cash value of all remuneration in any medium other than cash.

"(e) The term 'noncontributory benefit' means a cash benefit, allowance, annuity, or compensation (including payments under any workmen's compensation law) payable by reason of the past employment or services of any individual, under any law or plan of the United States, any State, Territory, or possession, or the District of Columbia, or any political subdivision or instrumentality of any of the foregoing, creating a system of such payments to individuals (including payments made under any such law or plan by private insurance carriers), if with respect to such individual the benefit system is supported without direct and substantial contributions by wage earners.

## "TITLE VI

## "CHAPTER XVI—GENERAL ADMINISTRATIVE AND PENAL PROVISIONS

"SEC. 1600. Except as otherwise provided in this act, the administrative, definitive, and penal provisions under Public, Numbered 2, Seventy-third Congress, shall be for application under this act.

"SEC. 1601. The appropriations for the Veterans' Administration are hereby made available for expenditures necessary to carry out the provisions of this act and there is authorized to be appropriated such amounts as may be necessary to carry out the purposes of this act.

"SEC. 1602. Wherever used in this act, unless the context otherwise requires, the singular includes the plural and the masculine includes the feminine, and the term 'Administrator' means the Administrator of Veterans' Affairs.

"SEC. 1603. A discharge or release from active service under conditions other than dishonorable shall be a prerequisite to entitlement to veterans' benefits provided by this act or Public Law Numbered 2, Seventy-third Congress, as amended."

## EXTENSION OF REMARKS

Mr. HOFFMAN. Mr. Speaker, I ask unanimous consent to revise and extend the remarks I made on several occasions this afternoon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan [Mr. HOFFMAN]?

There was no objection.

## SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1767. An act to provide Federal Government aid for the readjustment in civilian life of returning World War No. 2 veterans; to the Committee on World War Veterans' Legislation.

## BILLS AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. KLEIN, from the Committee on Enrolled Bills, reported that that committee did on March 25, 1944, present to the President, for his approval, bills and

a joint resolution of the House of the following titles:

H. R. 2212. An act for the relief of Clarence Waverly Morgan;

H. R. 2743. An act for the relief of Mrs. Marie Geiler;

H. R. 2925. An act for the relief of Charles J. Goff, as administrator of the estate of Judson E. Goff, deceased;

H. R. 3157. An act for the relief of Lloyd L. Johnson and P. B. Hume; and

H. J. Res. 192. Joint resolution to enable the United States to participate in the work of the United Nations relief and rehabilitation organization.

## ENROLLED BILLS AND JOINT RESOLUTION SIGNED

Mr. KLEIN, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled a joint resolution of the House of the following title, which was thereupon signed by the Speaker:

H. J. Res. 234. Joint resolution to amend the Agricultural Adjustment Act of 1938, as amended, for the purpose of further regulating interstate and foreign commerce in tobacco, and for other purposes.

The SPEAKER pro tempore announced his signature to enrolled bills of the Senate of following titles:

S. 1640. An act to authorize the Secretary of the Navy to accept gifts and bequests for the United States Naval Academy, and for other purposes;

S. 1647. An act to amend the act approved March 2, 1895, as amended.

## ADJOURNMENT

Mr. MURDOCK. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 22 minutes p. m.) the House adjourned until tomorrow, Tuesday, March 28, 1944, at 12 o'clock noon.

## COMMITTEE HEARINGS

## COMMITTEE ON ROADS

(Tuesday, March 28, 1944)

Hearings will be continued on H. R. 2426 in the Roads Committee room, 1011 New House Office Building, at 10 a. m., Tuesday, March 28, 1944.

## COMMITTEE ON WORLD WAR VETERANS' LEGISLATION

(Tuesday, March 28, 1944)

The Committee on World War Veterans' Legislation will hold open hearings on S. 1767, at 10 a. m., Tuesday, March 28, 1944.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1338. A letter from the Acting Administrator, Federal Security Agency, transmitting consolidated forms 3257, "Report of Federal Civilian Employment," for the Federal Security Agency for the month of February 1944; to the Committee on the Civil Service.

1339. A letter from the Postmaster General, transmitting a draft of a proposed bill to remove restrictions on establishing post-office branches and stations; to the Committee on the Post Office and Post Roads.

1340. A letter from the Acting Secretary of the Interior, a detailed report showing credit operations to July 1, 1943; to the Committee on Indian Affairs.

1341. A letter from the Secretary of Commerce, transmitting the Annual Report of

the Department of Commerce for the fiscal year 1943; to the Committee on Interstate and Foreign Commerce.

1342. A letter from the Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, dated February 14, 1944, submitting a report, together with accompanying papers and an illustration on a review of report on the Yazoo River, with a view to determining whether improvements for flood control on the Big Sunflower, Little Sunflower, and Quiver Rivers and their tributaries, and on Deer Creek, Steele Bayou, and Bogue Phalia, Miss., are advisable at this time, requested by a resolution of the Committee on Flood Control, House of Representatives, adopted on January 28, 1944 (H. Doc. No. 516); to the Committee on Flood Control and ordered to be printed, with an illustration.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. LESINSKI: Committee on Invalid Pensions. H. R. 86. A bill to grant pensions to certain unmarried dependent widows of Civil War veterans who were married to the veteran subsequent to June 26, 1905; without amendment (Rept. No. 1288). Referred to the Committee of the Whole House on the state of the Union.

Mr. RAMSPECK: Committee on the Civil Service. H. R. 4115. A bill to give honorably discharged veterans, their widows, and the wives of disabled veterans, who themselves are not qualified, preference in employment where Federal funds are disbursed; with amendment (Rept. No. 1289). Referred to the Committee of the Whole House on the state of the Union.

Mr. RAMSPECK: Committee on the Civil Service. H. R. 4292. A bill to amend section 12 (b) of the act of May 29, 1930, as amended; with amendment (Rept. No. 1290). Referred to the Committee of the Whole House on the state of the Union.

Mr. RAMSPECK: Committee on the Civil Service. H. R. 4320. A bill relating to the computation of interest on contributions to the civil-service retirement fund returned to employees upon their separation from the service; without amendment (Rept. No. 1291). Referred to the Committee of the Whole House on the state of the Union.

Mr. RANDOLPH: Committee on the District of Columbia. House Joint Resolution 242. Joint resolution to amend an act entitled "An act to protect the lives and health and morals of women and minor workers in the District of Columbia, and to establish a Minimum Wage Board, and define its powers and duties, and to provide for the fixing of minimum wages for such workers, and for other purposes," approved September 19, 1918, as amended; without amendment (Rept. No. 1292). Referred to the Committee of the Whole House on the state of the Union.

Mr. SATTERFIELD: Committee on the Judiciary. H. R. 3732. A bill to repeal the prohibition against the filling of a vacancy in the office of district judge in the district of New Jersey; without amendment (Rept. No. 1300). Referred to the Committee of the Whole House on the state of the Union.

## REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. CARSON of Ohio: Committee on Claims. S. 962. An act for the relief of Mr.







be final and there shall be no review of such decision by appeal or certiorari or otherwise.

"If, by reason of death or otherwise, any of said three circuit judges shall be unable to participate in the decision of said case, any such vacancy or vacancies shall be filled by the senior circuit judge by designating one or more other circuit judges of the said circuit next in order of seniority and, if there be none such available, he shall fill any such vacancy or vacancies by designating one or more circuit judges from another circuit or circuits, designating, in each case, the oldest available circuit judge, in order of seniority, in the circuit from which he is selected, such designation to be only with the consent of the senior circuit judge of any such other circuit."

"This amendment shall apply to every case pending before the Supreme Court of the United States on or after the date of enactment of this act."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. BARDEN. Mr. Speaker, that concludes the call of the eligible bills on the Consent Calendar for today.

**PENSIONS TO CERTAIN UNREMARKED DEPENDENT WIDOWS OF CIVIL WAR VETERANS WHO WERE MARRIED TO THE VETERAN SUBSEQUENT TO JUNE 26, 1905**

Mr. LESINSKI. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H. R. 86) to grant pensions to certain unremarried dependent widows of Civil War veterans who were married to the veteran subsequent to June 26, 1905.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the dependent unremarried widow of a Civil War veteran who is barred from the receipt of pension because her marriage to the veteran occurred subsequent to June 26, 1905, but who is otherwise entitled to such pension either under the act of May 1, 1920 (41 Stat. 585), or under the act of June 9, 1930 (46 Stat. 528), shall be entitled to pension in her own right under said acts at the rates and under the conditions specified therein and to the additional pension provided for minor and helpless children in the act of May 1, 1920, provided she married the veteran 10 years prior to his death and lived with him continuously from the date of marriage to the date of his death except where there was a separation which was due to misconduct of or procured by the veteran without the fault of the widow: *Provided*, That if pension has been granted to an insane, idiotic, or otherwise helpless child of the veteran or to a child or children of the veteran under 16 years of age, the widow shall not be entitled to the pension authorized in this act until the pension to the child or children terminates, unless such child or children be a member or members of her family and cared for by her; and when these conditions are fulfilled and the pension is granted to the widow, payment of pension to such child or children shall cease; except that in the event the amount being paid to such child or children is less than the amount authorized to the widow by this act, then the difference between said amounts will be paid to the widow: *Provided further*, That no pen-

sion shall be payable under this act to a widow under 60 years of age.

SEC. 2. Payment of pension as provided by this act shall be effective from the date of receipt of application in the Veterans' Administration, in the form prescribed by the Administrator of Veterans' Affairs, but not prior to the date of enactment of this act. Pension under this act shall not be paid to the widow of a veteran of the Civil War who has remarried either once or more than once, and upon the remarriage of such a widow her pension shall be terminated. The penal and forfeiture provisions of the pension laws providing pensions for veterans of the Civil War and their widows and dependents shall be applicable to the provisions of this act.

SEC. 3. No agent, attorney, or other person shall, directly or indirectly, solicit, contract for, charge, or receive any fee or compensation for preparing or assisting in the preparation of the necessary papers in the application to the Veterans' Administration for benefits under this act. Any person who shall, directly or indirectly, solicit, contract for, charge, or receive any fee or compensation for such preparation or assistance shall be guilty of a misdemeanor, and each and every offense shall be punishable by a fine of not more than \$500 or imprisonment at hard labor for not more than 2 years, or by both such fine and imprisonment.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. LESINSKI. Mr. Speaker, I ask unanimous consent to revise and extend my own remarks at this point in the RECORD on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

**HISTORY OF THE LEGISLATION**

Mr. LESINSKI. Mr. Speaker, this bill, H. R. 86, is similar to bills that were reported by the Committee on Invalid Pensions during the Seventy-sixth and Seventy-seventh Congresses. Both bills were passed by the House without amendment or dissenting vote, and both bills were favorably reported by the Committee on Pensions of the United States Senate, but failed of enactment prior to the adjournment of the Congresses.

**PURPOSE OF THE LEGISLATION**

This bill has for its purpose the granting of service pensions to a restricted group of Civil War widows who are not now eligible for service pensions because they were not married to the veteran prior to June 27, 1905.

Under existing service-pension laws, a widow of a Civil War veteran, if married to the veteran prior to June 27, 1905, may receive pension at the rate of \$30 per month if under 70 years of age, \$40 per month to those 70 years of age or over, or \$50 per month if married to the veteran during his Civil War service. Under the existing laws, remarriage of the widow subsequent to the death of the veteran is no bar to the receipt of pension if the subsequent remarriage was terminated or the remarriages were terminated without fault on the part of the widow. Under the provisions of this bill, if the widow has remarried subsequent to the veteran's death, she would be barred from receipt of pension thereunder. The

provisions of existing law do not require that the widow show dependency. The bill requires that dependency be shown under regulations to be prescribed by the Administrator of Veterans' Affairs. Under existing laws, as heretofore stated, pension is payable to a widow under 60 years of age, whereas under this bill it is required that the widow be at least 60 years of age in order to be eligible to receive benefits thereunder.

Under the provisions of this bill, a new group of widows would become eligible notwithstanding the present marriage delimiting date, June 27, 1905, and receive pension if otherwise entitled under the service-pension laws if marriage to the veteran occurred at least 10 years prior to the veteran's death and the widow had lived with the veteran continuously from the date of their marriage to the date of the veteran's death, except in those instances where separation is clearly the fault of the veteran.

**ELIGIBILITY FOR BENEFITS**

If this bill is enacted into law in its present form, the conditions on which award will be predicated are as follows:

First. No pension is payable under the act unless the widow is 60 years of age.

Second. Marriage to the veteran must have occurred at least 10 years prior to his death.

Third. The widow must have lived with the veteran continuously from the date of marriage to the date of the veteran's death, except in those instances where a separation is clearly the fault of the veteran.

Fourth. Dependency must be shown. This showing will be based upon regulations to be drafted by the Administrator of Veterans' Affairs and will presumably conform to the criteria now in force with respect to the dependency of mothers and fathers who are claimants for pension or compensation.

Fifth. The widow must have remained the lawful widow of the veteran. If she has remarried subsequent to his death, she is barred from receipt of pension under terms of the bill.

Sixth. The widow may not be granted pension while the veteran's child or children either helpless or under the age of 16 years are on the pension rolls, unless it is shown that the child or children are in her care and custody. However, if the rate being paid the child or children is less than that the widow would receive if the child or children were in her care, then any difference may be paid her.

Seventh. The widow will be barred from receiving pension if she is found to be living in open and notorious adulterous cohabitation subsequent to the veteran's death.

Eighth. The veteran must have served 90 days or more in the Civil War, or if he served less than 90 days, must have been discharged for disability incurred in the service in line of duty.

**COST OF THE LEGISLATION**

The Veterans' Administration furnished the revised estimate to the committee as to the cost, and it is estimated that approximately 2,000 new cases would be eligible for pension at the cost of approximately \$960,000 for the first



year. There are also 400 widows now pensioned under special acts that would be entitled under the provisions of this bill, and it is estimated that the cost would be \$44,000 for the first year. The total estimated annual cost would be approximately \$1,004,000, affecting 2,400 widows. However, the Veterans' Administration has informed the committee that, based upon their experience, it is not likely that more than one-half of the new cases will apply the first year, which would reduce the estimated cost for the first year to \$524,000, affecting 1,400 widows.

#### JUSTIFICATION OF THE LEGISLATION

There has been recently approved a Spanish War pension bill, which advanced the marriage date from September 1, 1922, to January 1, 1938. There was also approved an Indian war pension bill that contained this provision, identical with this bill—namely, that a dependent unmarried widow, in order to secure pension, must have attained the age of 60 years and was married to the veteran 10 or more years prior to his death. Prior to the enactment of this law, widows of Indian war veterans who married subsequent to March 3, 1917, were denied a service pension.

#### EXTENSION OF REMARKS

Mr. LUDLOW. Mr. Speaker, I ask unanimous consent to extend my remarks in two respects, in one to include some correspondence I have had with Secretary Stimson, and in the other to include a short poem about Mr. South Trimble on his birthday.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

[The matter referred to appears in the Appendix.]

Mr. WICKERSHAM. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include therein certain brief newspaper articles.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

[The matter referred to appears in the Appendix.]

Mr. D'ALESSANDRO. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include therein an address by Howard Bruce.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

[The matter referred to will appear hereafter in the Appendix.]

Mr. PITTINGER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD upon the subject of the St. Lawrence seaways project and include therein three editorials.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

[The matter referred to appears in the Appendix.]

Mr. ROWAN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on three subjects and include therein two editorials from the Chicago Times and another editorial from the Washington Post.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

[The matter referred to appears in the Appendix.]

#### VETERANS' PREFERENCE IN THE FEDERAL CIVIL SERVICE

Mr. RAMSPECK. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 4115) to give honorably discharged veterans, their widows, and the wives of disabled veterans, who themselves are not qualified, preference in employment where Federal funds are disbursed, with the amendments adopted by the committee.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That this act may be cited as the "Veterans' Preference Act of 1944."

SEC. 2. In certification for appointment, in appointment, in reinstatement, in reemployment, and in retention in civilian positions in all establishments, agencies, bureaus, administrations, projects, and departments of the Government, permanent or temporary, and in either (a) the classified civil service; (b) the unclassified civil service; (c) any temporary or emergency establishment, agency, bureau, administration, project, and department created by acts of Congress or Presidential Executive order; and (d) the civil service of the District of Columbia, preference shall be given to (1) those ex-service men and women who have served honorably in any branch of the armed forces of the United States who have established the present existence of a service-connected disability or who are receiving compensation, disability retirement benefits, or pension by reason of public laws administered by the Veterans' Administration, the War Department or the Navy Department; (2) the wives of such service-connected disabled ex-servicemen and the husbands of such service-connected disabled ex-servicewomen as have themselves been unable to qualify for any civil-service appointment; (3) the unmarried widows of deceased ex-servicemen who served honorably in any branch of the armed forces of the United States during any war, or in any campaign or expedition (for which a campaign badge has been authorized), the widowers of any deceased ex-servicewomen who have served honorably in any branch of the armed forces of the United States during any war or in any campaign or expedition (for which a campaign badge has been authorized) who are supporting any children under 18 years of age of such deceased ex-servicewomen; and (4) those honorably discharged ex-service men and women who have served in any branch of the armed forces of the United States during any war, or in any campaign or expedition (for which a campaign badge has been authorized).

SEC. 3. In all examinations to determine the qualifications of applicants for entrance into the service 10 points shall be added to the earned ratings of those persons included under section 2 (1), (2), and (3), and 5 points shall be added to the earned ratings of those persons included under section 2 (4) of this act: *Provided*, That in examinations for the positions of guards, elevator operators, messengers, and custodians competition shall be restricted to persons entitled to preference under this act as long as persons entitled to preference are available and

during the present war and for a period of 5 years following the termination of the present war as proclaimed by the President or by a concurrent resolution of the Congress for such other positions as may from time to time be determined by the President.

SEC. 4. In examinations where experience is an element of qualification, time spent in the military or naval service of the United States shall be credited in a veteran's rating where his or her actual employment in a similar vocation to that for which he or she is examined was interrupted by such military or naval service. In all examinations to determine the qualifications of a veteran applicant, credit shall be given for all valuable experience, including experience gained in religious, civic, welfare, service, and organizational activities, regardless of whether any compensation was received therefor.

SEC. 5. In determining qualifications for examination, appointment, promotion, retention, transfer, or reinstatement, with respect to preference eligibles, the Civil Service Commission or other examining agency shall waive requirements as to age, height, and weight, provided any such requirement is not essential to the performance of the duties of the position for which examination is given. The Civil Service Commission or other examining agency, after giving due consideration to the recommendation of any accredited physician in the service of the United States, shall waive the physical requirements in the case of any veteran, provided such veteran is, in the opinion of the Civil Service Commission or other examining agency, physically able to discharge efficiently the duties of the position for which the examination is given. No minimum educational requirement will be prescribed in any civil-service examination except for such scientific, technical, or professional positions the duties of which the Civil Service Commission decides cannot be performed by a person who does not have such education. The Commission shall make a part of its public records its reasons for such decision.

SEC. 6. Preference eligibles shall not be subject to the provisions of section 9 of the Civil Service Act concerning two or more members of family in the service, or to the provisions of section 2 of that act concerning apportionment of appointments in the Government departments in the District of Columbia among the several States and Territories according to population, but may be required to furnish evidence of residence and domicile.

SEC. 7. The names of preference eligibles shall be entered on the appropriate registers or lists of eligibles in accordance with their respective augmented ratings, and the name of a preference eligible shall be entered ahead of all others having the same rating: *Provided*, That, except for positions in the professional and scientific services for which the entrance salary is over \$3,000 per annum, the names of all qualified preference eligibles, entitled to 10 points in addition to their earned ratings, shall be placed at the top of the appropriate civil-service register or employment list, in accordance with their respective augmented ratings.

SEC. 8. When, in accordance with civil-service laws and rules, a nominating or appointing officer shall request certification of eligibles for appointment purposes, the Civil Service Commission shall certify, from the top of the appropriate register of eligibles, a number of names sufficient to permit the nominating or appointing officer to consider at least three names in connection with each vacancy. The nominating or appointing officer shall make selection for each vacancy from not more than the highest three names available for appointment on such certification, unless objection shall be made, and sustained by the Commission, to one or more of the persons certified, for any proper and adequate reason, as may be prescribed in the rules promulgated by the Civil Service Com-



mission: *Provided*, That an appointing officer who passes over a veteran eligible and selects a nonveteran shall file with the Civil Service Commission his reasons in writing for so doing, which shall become a part of the record of such veteran eligible, and shall be made available upon request to the veteran or his designated representative; the Civil Service Commission is directed to determine the sufficiency of such submitted reasons and, if found insufficient, shall require such appointing officer to submit more detailed information in support thereof; the findings of the Civil Service Commission as to the sufficiency or insufficiency of such reasons shall be transmitted to and considered by such appointing officer, and a copy thereof shall be sent to the veteran eligible or to his designated representative upon request therefor: *Provided further*, That if, upon certification, reasons deemed sufficient by the Civil Service Commission for passing over his name shall three times have been given by an appointing officer, certification of his name for appointment may thereafter be discontinued, prior notice of which shall be sent to the veteran eligible. Whenever in the Postal Service two or more substitutes are appointed on the same day, they shall be promoted to the regular force in the order in which their names appeared on the civil-service register from which they were originally appointed, whenever there are substitutes of the required sex who are eligible and will accept, unless such vacancies are filled by transfer or reinstatement.

Sec. 9. In the unclassified Federal, and District of Columbia, civil service, and in all other positions and employment hereinbefore referred to in (c) of section 2 hereof, the nominating or appointing officer or employing official shall make selection from the qualified applicants in accordance with the provisions of this act.

Sec. 10. The Civil Service Commission is authorized and directed to hold an examination, during the next succeeding quarterly period, for any position to which any appointment has been made within the preceding 3 years, for any person included under section 2 (1), (2), and (3) of this act upon application for examination for any such position.

Sec. 11. The Civil Service Commission is hereby authorized to promulgate appropriate rules and regulations for the administration and enforcement of the provisions of this act.

Sec. 12. In any reduction in personnel in any civilian service of any Federal agency, competing employees shall be released in accordance with Civil Service Commission regulations which shall give due effect to tenure of employment, military preference, length of service, and efficiency ratings: *Provided*, That the length of time spent in active service in the armed forces of the United States of each such employee shall be credited in computing length of total service: *Provided further*, That preference employees whose efficiency ratings are "good" or better shall be retained in preference to all other competing employees and that preference employees whose efficiency ratings are below "good" shall be retained in preference to competing nonpreference employees who have equal or lower efficiency ratings: *And provided further*, That when any or all of the functions of any agency are transferred to, or when any agency is replaced by, some other agency, or agencies, all preference employees in the function or functions transferred or in the agency which is replaced by some other agency shall first be transferred to the replacing agency, or agencies, for employment in positions for which they are qualified, before such agency, or agencies, shall appoint additional employees from any other source for such positions.

Sec. 13. Any preference eligible who has resigned or who has been dismissed or furloughed may, at the request of any appointing officer, be certified for, and appointed to, any position for which he may be eligible in the civil service, Federal, or District of Columbia, or in any establishment, agency, bureau, administration, project, or department, temporary or permanent.

Sec. 14. No permanent or indefinite preference eligible, who has completed a probationary or trial period employed in the civil service, or in any establishment, agency, bureau, administration, project, or department, hereinbefore referred to shall be discharged, suspended for more than 30 days, furloughed without pay, reduced in rank or compensation, or debarred for future appointment except for such cause as will promote the efficiency of the service and for reasons given in writing, and the person whose discharge, suspension for more than 30 days, furlough without pay, or reduction in rank or compensation is sought shall have at least 30 days' advance written notice (except where there is reasonable cause to believe the employee to be guilty of a crime for which a sentence of imprisonment can be imposed), stating any and all reasons, specifically and in detail, for any such proposed action; such preference eligible shall be allowed a reasonable time for answering the same personally and in writing, and for furnishing affidavits in support of such answer, and shall have the right to appeal to the Civil Service Commission from an adverse decision of the administrative officer so acting, such appeal to be made in writing within a reasonable length of time after the date of receipt of notice of such adverse decision: *Provided*, That such preference eligible shall have the right to make a personal appearance, or an appearance through a designated representative, in accordance with such reasonable rules and regulations as may be issued by the Civil Service Commission; after investigation and consideration of the evidence submitted, the Civil Service Commission shall submit its findings and recommendations to the proper administrative officer and shall send copies of same to the appellant or to his designated representative: *Provided further*, That the Civil Service Commission may declare any such preference eligible who may have been dismissed or furloughed without pay to be eligible for the provisions of section 15 hereof.

Sec. 15. Any preference eligible, who has been furloughed, or separated without delinquency or misconduct, upon request, shall have his name placed on all appropriate civil-service registers and/or on all employment lists, for every position for which his qualifications have been established, as maintained by the Civil Service Commission, or as shall be maintained by any agency or project of the Federal Government, or of the District of Columbia, in the order as provided in section 7 hereof, and shall then be eligible for recertification and reappointment in the order and according to the procedure as provided for in sections 7 and 8 hereof. No appointment shall be made from an examination register of eligibles when there are three or more names of preference eligibles on any appropriate reemployment list for the position to be filled.

Sec. 16. Any preference eligible who has resigned shall, upon request to the Civil Service Commission, have his name again placed on all proper civil-service registers for which he may have been qualified, in the order as provided for in section 7 hereof, and shall then be eligible for recertification and reappointment in the order, and according to the procedure, as provided for in sections 7 and 8 hereof.

Sec. 17. The term "Civil Service Commission" or "Commission" as used in this act shall mean the present United States Civil Service Commission or any body or person

who may by law succeed to its powers and duties, or any of them, or which or who may be designated by law to perform any specific duty and possess any specific power concerning matters covered by this act.

Sec. 18. All acts and parts of acts inconsistent with the provisions hereof are hereby modified to conform herewith, and this act shall not be construed to take away from any preference eligible any rights heretofore granted to, or possessed by, him under any existing law, Executive order, civil-service rule or regulation, of any department of the Government or officer thereof.

Sec. 19. It shall be the authority and duty of the Civil Service Commission in all cases under the classified civil service to make and enforce appropriate rules and regulations to carry into full effect the provisions, intent, and purpose of this act and such Executive orders as may be issued pursuant thereto and in furtherance thereof.

Sec. 20. Nothing contained in this act is intended to apply to any position or appointment which by the Congress is required to be confirmed by, or made with, the advice and consent of the United States Senate: *Provided, however*, That the provisions of this act shall apply to appointments under Public Law No. 720, Seventy-fifth Congress, third session, approved June 25, 1938.

Sec. 21. If any part of this act shall be found to be unconstitutional, the rest of it shall be considered as in full force and effect.

The SPEAKER. Is a second demanded?

Mr. REES of Kansas. I demand a second, Mr. Speaker.

Mr. RAMSPECK. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. RAMSPECK. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Alabama [Mr. STARNES] the author of the bill.

Mr. STARNES of Alabama. Mr. Speaker, from the very inception of our Republic our Government has extended certain special benefits and privileges to the men who have offered their lives in the defense of the country and its institutions. This is a sound principle. Those who are selected from among us to wear the uniform and to serve the country on the firing line are certainly entitled, when peace has been won through their efforts, to be selected and given special consideration and preference in employment by their Government in peacetimes. That is a reward to an American who has willingly and gladly offered his life in an effort to save and to sanctify for us the principles of government under which we live, and which by their sterling efforts is being handed on to posterity.

Most of the provisions of this particular bill have been in practice for a number of years. Since World War No. 1 various Executive and administrative orders have extended to veterans throughout this country privileges in Government services. However, it is a matter of regret to me that the Congress has not heretofore established by law preference to veterans in Government employment. This is the first step in



that direction. We are laying down a broad, general policy, and in some instances we are being quite specific in this bill in providing preference for veterans in Government. The biggest problem in the post-war period is providing jobs for able-bodied American citizens, who have served in the armed forces. Jobs by which they can support themselves and their families; jobs which will permit them to retain their self-respect and feel that the country for which they have offered their all has not failed them.

When this war is over and our boys come home they should not be forced to tramp the streets looking for jobs, nor to live on charity. There should be a job ready and waiting in private enterprise or with the Government, Federal, State, and local, for every American fighting man when he comes home when victory has been won.

Mrs. BOLTON. Mr. Speaker, will the gentleman yield?

Mr. STARNES of Alabama. I yield to the gentleman from Ohio.

Mrs. BOLTON. I understand this bill presents for the first time recognition for the women as veterans.

Mr. STARNES of Alabama. That is correct.

Mrs. BOLTON. And that this bill will apply the same to both men and women.

Mr. STARNES of Alabama. That is correct, and I thank the gentlewoman from Ohio for bringing the matter to my attention. This bill does, for the first time, recognize the principle of preference for women in service and for the husbands or widowers of the ex-service-women.

Mr. EDWIN ARTHUR HALL. Mr. Speaker, will the gentleman yield?

Mr. STARNES of Alabama. I yield to the gentleman from New York.

Mr. EDWIN ARTHUR HALL. I commend the gentleman and his committee on the timely steps that are being taken in this measure. As I understand it, it is a qualifying, all-embracing measure, and I think the gentleman deserves a lot of credit for it.

Mr. STARNES of Alabama. I thank the gentleman.

Mr. O'HARA. Mr. Speaker, will the gentleman yield?

Mr. STARNES of Alabama. I yield to the gentleman from Minnesota.

Mr. O'HARA. Mr. Speaker, it is my understanding that the three great veterans' organizations, the American Legion, the Veterans of Foreign Wars, and the Disabled American Veterans, have endorsed and recommended this legislation for passage.

Mr. STARNES of Alabama. That is correct.

Mr. KEARNEY. Mr. Speaker, will the gentleman yield?

Mr. STARNES of Alabama. I yield to the gentleman from New York.

Mr. KEARNEY. Can the gentleman inform me whether or not under this bill the men who receive a blue discharge are entitled to receive veterans' preference, or is it limited simply to those with an honorable discharge?

Mr. STARNES of Alabama. It is limited to those who have honorably served, as I recall the provisions of the bill.

Mr. KEARNEY. The blue discharge is a discharge neither with honor nor without honor. The gentleman says this is limited to those men who are honorably discharged?

Mr. STARNES of Alabama. That is my recollection.

Mr. THOMASON. Mr. Speaker, will the gentleman yield?

Mr. STARNES of Alabama. I yield to the gentleman from Texas.

Mr. THOMASON. I believe this is a very splendid bill. I am also sure it will receive the support of all the Members. However, I hope the distinguished author of the bill will point out for the benefit of the record wherein this bill gives added privileges or rights to male veterans. The gentlewoman from Ohio has made mention of the fact that women are now admitted, which is certainly the right and proper thing to do. There are some of us who have not been able to read the record in its entirety. I should like to know if this bill changes or alters the present laws, or in what respect it adds to existing law.

The SPEAKER. The time of the gentleman from Alabama has expired.

Mr. RAMSPECK. Mr. Speaker, I yield 5 additional minutes to the gentleman from Alabama.

Mr. STARNES of Alabama. The history of the present legislation is that for the past 8 years, originally as a member of the Committee on the Civil Service of the House and as a member of the American Legion and the Veterans of Foreign Wars, I sponsored for them at their request bills providing veterans' preference. Three hearings have been held upon the bills which they have requested me to introduce. Finally they came to a complete and unanimous agreement on this bill, the American Legion, the Veterans of Foreign Wars, and the Disabled American Veterans, the three major veterans' organizations. This bill has the unanimous support of the House Committee on the Civil Service and it has support of the President of the United States as expressed in a letter addressed to the chairman of this committee.

If you will refer to pages 3 and 4 of the committee report, you will find the comments of the committee with respect to the chief additions to existing rules and regulations with reference to preference extended to veterans.

Section 2 defines the groups or classes of veterans to whom preference is to be granted. It includes for the first time the husbands and widowers of service-connected disabled ex-service women, because, as we know, this is the first time the Congress has recognized the status of women as ex-service women in serving their country. They have done a magnificent job, as usual.

Section 3, in addition to carrying into law the present provisions of the civil-service rules providing for the addition of 10 points for disabled veterans and 5 points for others, provides that as long as persons entitled to preference are available, civil-service appointments for certain classes of positions, such as guards, elevator operators, messengers, and custodians, shall be available exclusively to veterans. We go one step fur-

ther in that we authorize the President during this war and for a period of 5 years after the cessation of hostilities to set aside for the exclusive appointment of veterans certain types or classes of Government jobs.

In section 6 we waive the right of apportionment which has been set up in the Civil Service Act, under which jobs are apportioned to the District of Columbia and the various States and Territories according to population. We waive that provision with reference to the appointment of veterans, and we go further and waive section 9 of the Civil Service Act of 1883, concerning two or more members of a family in the service. In other words, we waive that provision of the original Civil Service Act which states that two or more members of a family shall not serve, and permit any number of veterans in the same family to obtain Government employment.

In section 7 we exempt to a certain extent from the provisions of this act preference for specially skilled jobs where the salaries are over \$3,000 per annum. However, less than 1 percent of Government employees are presently affected by that, and in normal times it would probably be less than 1 percent.

In section 8 we provide that when a veteran is passed over by an appointing agency the appointing officer must file his reasons in writing with the Civil Service Commission and the Civil Service Commission must make an investigation, and that the objections or reasons for failure to appoint a veteran who has been passed over must be made available to that veteran or to his representative upon request. That is new, and it strengthens the provision with reference to veterans' preference.

Section 12 provides for procedure in any reduction in personnel in any civilian service of any Federal agency, specific provisions appearing with respect to the preferred status of veterans in retention. Provision is also made in this section directing that when any or all of the functions of any agency are transferred to, or when any agency is replaced by, some other agency, or agencies, all preference employees in the function or functions transferred or in the agency which is replaced by some other agency shall first be transferred to the replacing agency, or agencies, for employment in positions for which they are qualified, before such agency, or agencies, shall appoint additional employees from any other source for such positions.

Section 14 gives special preferences to veterans in the way of prior notice before they are discharged, suspended for more than 30 days, furloughed without pay, reduced in rank or compensation, or debarred for future appointment except for such cause as shall promote the efficiency of the service and for reasons given in writing. This section gives such a preference eligible the right to appeal to the Civil Service Commission from an adverse decision of any administrative officer, with the further right of making a personal appearance or an appearance through a designated representative, in accordance with the rules and regulations as may be issued by the Civil Service Commission.



Sections 15 and 16 relate to the preference granted veteran eligibles in connection with appropriate civil-service registers.

Section 20 provides that this proposal would not apply to positions where Senate confirmation is required; however, it would apply to postmaster appointments.

The SPEAKER. The time of the gentleman from Alabama has again expired.

(Mr. STARNES of Alabama asked and was given permission to revise and extend his remarks in the RECORD.)

Mr. REES of Kansas. Mr. Speaker, the bill under consideration, H. R. 4155, and known as the veterans' preference bill continues the law and Executive orders that have been in effect for a number of years providing for veterans' preference in governmental employment. This bill also provides additional features that are of special interest to World War veterans, their wives, and dependents. This legislation includes for the first time, husbands and widowers of service-connected disabled ex-service women.

In addition to continuing the present rules providing for the extension of 5 points for nondisability preference and 10 points disability preference, it gives veterans first priority for positions of guard, elevator operator, messenger, and custodian positions, as far as they can be filled by ex-service men and women. This list could be extended to include a number of additional positions for which servicemen and servicewomen could qualify without difficulty, especially when there are vacancies in such positions.

One of the most important provisions in this bill requires that when an appointing officer passes over a veteran eligible, and selects someone who is not a veteran, then such officer shall file with the Civil Service Commission his reasons for so doing and the veteran shall be entitled to a copy thereof. The veteran also will have a right to an appeal from this decision.

This measure, as you have been advised, has the approval of the Veterans of Foreign Wars, the American Legion, and the disabled veterans organizations. The bill, as I have suggested at the beginning, strengthens and improves veterans' legislation heretofore passed by Congress.

I believe this legislation will meet with the approval of both Houses of this Congress. In fact, I have heard little objection to it.

Mr. Speaker, I believe there is a consensus of opinion and rightly so, that veterans should be given preference for jobs in industry and business as well as in Government when they are released from the armed forces. Industry and business as well as the Government have assured members of the armed forces they shall have the first right to their former jobs just as far as can be done when the war is over. Our Government should lead the way in the protection of that right.

Mr. Speaker, I think this legislation could go still further and give the veteran a chance to compete for positions that have been filled in any agency of the Government since the emergency

was declared, whether that position be in an old-line agency or in what may be described as a war agency. In other words, where a position is continued when the war is over and has been filled by a non-service man or woman, such position shall be open for a veteran who can qualify for such job. I believe this to be fair for the reason that the person now holding such position understood when he or she came into the service that it was for the "duration and 6 months thereafter." If such legislation were enacted, it would give a chance for a good many deserving veterans to compete and qualify for a number of Government positions that may not come under this act. I think the House could very well give favorable consideration to such legislation.

Miss SUMNER of Illinois. Mr. Speaker, will the gentleman yield?

Mr. REES of Kansas. I am glad to yield to the distinguished gentlewoman from Illinois.

Miss SUMNER of Illinois. Perhaps I do not understand this legislation correctly. Is this the way it works? If the Government should advertise for an electrical engineer or a certified public accountant, and a number of people took the examination, the top three veterans would get the positions regardless of whether they were electrical engineers or certified public accountants, or whatever the skill was that was required.

Mr. REES of Kansas. The veteran would have to take the competitive examination. He does now. That situation is not changed in this bill.

Miss SUMNER of Illinois. But if their marks were only 10 and the highest marks were 90, whoever were the three top veterans would be in line to get the jobs and nudge out the people who were qualified?

Mr. REES of Kansas. No; that is not right, and that is not in the bill.

Miss SUMNER of Illinois. That is what I wanted to find out.

Mr. REES of Kansas. The veteran in order to pass has to get a grade of at least 60. Then he gets a 5- or 10-percent preference, as the case may be, added to his grade. Then his name goes to the top of the list with others who have passed the examination, and he competes with others who qualified.

Miss SUMNER of Illinois. But if he got 70 percent with his preference, he would knock out a man who got 80 percent; is that right? He could do that?

Mr. REES of Kansas. That is correct; he does go to the top of the list by reason of the preference granted. That is correct.

Mr. CUNNINGHAM. Mr. Speaker, will the gentleman yield?

Mr. REES of Kansas. I am glad to yield to the gentleman from Iowa, who also takes a deep interest in veterans' legislation.

Mr. CUNNINGHAM. Is not this very much in line with the veterans-preference laws already on the statute books in many of our States?

Mr. REES of Kansas. Yes; it is. As a matter of fact, it changes the present veterans-preference laws very little in

the respect suggested by the gentleman from Illinois [Miss SUMNER].

Mr. CUNNINGHAM. This guarantees the soldier a job after the war is over when the soldier returns who has been willing to fight for his country on the fighting front.

Mr. REES of Kansas. That is right, as I suggested a few moments ago; I think it is generally understood, and it has been stated on the floor of the House, that veterans ought to have the first chance for jobs when they return from the service. I believe we ought to go one step further, and let the United States Government set the pace in that regard. If the Government does not protect these servicemen with respect to getting jobs, then we are not in very good shape to ask industry and business to give them preference for jobs.

The SPEAKER. The time of the gentleman has expired.

Mr. REES of Kansas. Mr. Speaker, I yield myself 5 additional minutes.

Personally, I think we could go even further than the bill goes in giving these men opportunities for jobs. I think that all war jobs that have been created since the beginning of the emergency, if they are retained after the war, servicemen and servicewomen should have a chance for those places if they can qualify for them.

Mr. COLE of New York. Mr. Speaker, will the gentleman yield?

Mr. REES of Kansas. I am glad to yield to the gentleman from New York.

Mr. COLE of New York. The gentleman has stated that this bill embarks upon a new principle in that it makes available to a man whose wife has a service-connected disability, a civil-service preference. Is it specifically written in the bill that the husband must be dependent upon the wife for his livelihood in order for him to be eligible for the preference, or if the fact of marriage sufficient?

Mr. REES of Kansas. The bill provides that husbands of veteran women who have service-connected disabilities, shall have the same preference as is accorded wives of men who have service-connected disabilities, and that widowers have the same preference as widows in such cases.

Mr. COLE of New York. But it is the opinion of the gentleman and the opinion of the committee that for a man to qualify for a preference under this bill he must be dependent upon the wife, who likewise must have a service-connected disability?

Mr. REES of Kansas. His wife, an ex-service woman with service-connected disability, is the dependent. There is the further provision, that if the husband of an ex-service woman is supporting a child of such woman, then he is entitled to preference.

Mr. COLE of New York. He must establish some degree of dependency on the woman veteran?

Mr. REES of Kansas. A dependency must be established.

Mr. COLE of New York. That is, dependency either through himself or by virtue of their children?



Mr. REES of Kansas. That is correct. The gentleman from Indiana [Mr. LAFOLLETTE] offered the amendment in the committee. I shall yield time to Mr. LAFOLLETTE so he can further explain it.

Mr. VOORHIS of California. Mr. Speaker, will the gentleman yield?

Mr. REES of Kansas. Yes; I shall be pleased to yield to the gentleman from California.

Mr. VOORHIS of California. Mr. Speaker, I am sure we are all for this legislation. I want to ask the gentleman one question. In what degree is greater consideration given to a disabled veteran than to another veteran except the five points additional preference?

Mr. REES of Kansas. Not any in this legislation.

Mr. VOORHIS of California. That is the whole sum and substance of it?

Mr. REES of Kansas. Yes, so far as the disabled veteran is concerned. Except as I have pointed out, both classes of veterans do have advantages under this bill, but the advantages under this bill are the same.

Mr. VOORHIS of California. I understood the disabled veteran would come on the list ahead of the veteran that was not disabled.

Mr. REES of Kansas. Not necessarily.

Mr. VOORHIS of California. Not necessarily?

Mr. REES of Kansas. That is right.

Mr. VOORHIS of California. That is, unless the five points give him that position? Is that right?

Mr. REES of Kansas. The gentleman's statement is correct.

Mrs. BOLTON. Mr. Speaker, will the gentleman yield?

Mr. REES of Kansas. Yes; I shall be glad to yield to the gentlewoman from Ohio, who has also manifested a deep interest in legislation for the benefit of veterans.

Mrs. BOLTON. Did the committee define the real meaning and interpretation of "veteran"? I think all of us are beginning to have a doubt in our minds as to when a man becomes a veteran, because some of them who have been discharged from the Army are being taken back into the Army. Now, when do they become veterans?

Mr. REES of Kansas. The House Committee on Civil Service did not give consideration to that matter. The gentlewoman from Ohio [Mrs. BOLTON] has called attention to a very important problem, and one to which this House should give consideration in the near future. The situation to which she directs should be clarified.

Mrs. BOLTON. It would be very interesting if we did have some definition of that.

Mr. VOORHIS of California. Mr. Speaker, will the gentleman yield?

Mr. REES of Kansas. I yield to the gentleman from California.

Mr. VOORHIS of California. I want to ask the gentleman whether it is not now the law that a disabled veteran goes to the top of the list if he passes an examination?

Mr. REES of Kansas. Oh, yes.

Mr. VOORHIS of California. And whether that would not be continued under this legislation?

Mr. REES of Kansas. It certainly would. Perhaps I misunderstood the gentleman. What I wanted to explain is that whatever further advantages as are provided under this legislation apply to both classes of servicemen. The advantage of the disabled veteran over the able serviceman under the present law is not changed by this bill.

Mr. VOORHIS of California. I thank the gentleman very much.

(By unanimous consent, Mr. REES of Kansas was granted permission to revise and extend his remarks.)

Mr. REES of Kansas. Mr. Speaker, I yield 3 minutes to the gentleman from Indiana [Mr. LAFOLLETTE].

Mr. LAFOLLETTE. Mr. Speaker, I am the sponsor of these two amendments for the benefit of the women who are now serving. You will note in the bill that there are four different categories in which veterans are given preference. The first and the fourth provide equally for men and women. The second, as originally written, provided that the wife of a disabled service-connected veteran should get preference if, because of his disability, he himself could not pass the examination. It seemed to me it was also proper to protect the disabled service-connected woman by permitting her husband who is supporting her, to get the preference in the same way, because it really runs to the woman. And it is the same with the amendment to subdivision three. This amendment provides that if a disabled, service-connected woman dies then her husband, or whoever was living with her, her widower, who is supporting her children under 18, can then have preference as long as he supports her children. In other words, it runs to the benefit of the woman and the children.

Mrs. ROGERS of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. LAFOLLETTE. I yield.

Mrs. ROGERS of Massachusetts. Does it not seem manifestly unfair unless we take care of the women and children, because after the war is over it is going to be especially difficult to secure employment?

Mr. LAFOLLETTE. It applies to the women as well as the men.

Mr. SPRINGER. Mr. Speaker, will the gentleman yield?

Mr. LAFOLLETTE. Yes.

Mr. SPRINGER. I understand in the case of a husband securing a preference, there must be dependency existing?

Mr. LAFOLLETTE. Yes. First, his wife must not be able to pass the examination herself because of disability. We do that now for the wife of a disabled service-connected man when she gets a preference if her husband is so badly injured that he cannot pass the examination. Under my amendment to subdivision two, the woman in the service has the same right, if she is terribly disabled, her husband gets a preference, not because it runs to the man, but because it helps to support her.

Mr. SPRINGER. As I understand, too, in case he is supporting her child, that would constitute dependency under the provisions of this act.

Mr. LAFOLLETTE. That is right, as long as he supports her children under

18 years of age. Again, that gives this woman some assurance that her children will be taken care of. If she bears children, they are closer to her and if she dies the husband who survives her, as long as he supports her children, gets the preference until they become 18 years of age.

Mr. SPRINGER. I think it is a splendid amendment. I think this is a good bill.

Mr. COLE of New York. Mr. Speaker, will the gentleman yield?

Mr. LAFOLLETTE. Yes.

Mr. COLE of New York. The gentleman stated that the husband of a woman veteran or any man who might be supporting her children would be eligible for this preference?

Mr. LAFOLLETTE. What I was trying to say is this. Suppose a woman is married and has children and then the father died but the woman married again and then she died; if the man she married the second time continued to support her children until they became 18 years of age, he gets a preference. In other words, the benefit goes to her direct line, from the woman to her children.

Mr. COLE of New York. But it is not necessary to have an established marital status between the man and woman in order that he might get a preference?

Mr. LAFOLLETTE. Only that there be children.

Mr. COLE of New York. Is that the only criterion or must there be a marital status?

Mr. LAFOLLETTE. He must be her widower.

Miss SUMNER of Illinois. Was it the committee's thought that this increased the opportunities for marriage among women who had served in the armed forces?

Mr. LAFOLLETTE. I will say to the gentlewoman from Illinois, to some extent it was my thought that they are entitled to it, and I am sure the gentlewoman from Illinois would be glad to come under it.

Mr. CUNNINGHAM. Mr. Speaker, will the gentleman yield?

Mr. LAFOLLETTE. I yield.

Mr. CUNNINGHAM. Is not the real purpose of the gentleman's amendment to keep the veteran's family intact as much as possible?

Mr. LAFOLLETTE. Exactly.

The SPEAKER. The time of the gentleman from Indiana has expired.

Mr. RAMSPECK. Mr. Speaker, I yield myself the remainder of the time.

I just wish to say a few words with reference to this bill. For several years the Committee on the Civil Service has had legislation of this type pending, but this is the first time the major veterans' organizations have agreed to it. That is the main reason, I would say, why we have not heretofore tried to legislate. It will be noted on page 7 of the report that the American Legion, the Veterans of Foreign Wars, and the Disabled American Veterans have agreed on this legislation. Those are the major veterans' organizations.

In addition to that, this legislation has the approval of the Civil Service Com-



mission and it has the approval of the President of the United States. It is true, Mr. Speaker, this act does not make a great many changes in the present veterans' preference, which exists largely by Executive order, but it is important, I think, that those Executive orders be given legislative status by the Congress.

It does give some additional strength to the veterans' preference, by strengthening the Executive orders now in existence. For the first time it includes the husbands and widowers of service-connected disabled women. It also gives absolute preference to veterans in examinations for the position of guard, elevator operator, messenger and custodian, as long as preference eligibles are available. It also gives the right to assign other groups of positions for a period of 5 years, to veterans only; which is a rather important provision in view of the situation that has prevailed. It strengthens the law as to passing over veterans, so that a veteran himself or his designated representative, may know what the reason is. That is one of the things the veterans themselves have been very much interested in.

I think this is a sane law, and yet it is no more than the men who are fighting for the freedom of our people in this country are entitled to and should have.

I hope there will not be a single vote against this bill.

I yield such time as he may desire to the gentleman from Maryland [Mr. D'ALESSANDRO].

(By unanimous consent, Mr. D'ALESSANDRO was granted permission to revise and extend his remarks.)

Mr. D'ALESSANDRO. Mr. Speaker, I am in favor of H. R. 4115, a bill to give honorably discharged veterans, their widows, and the wives of disabled veterans, who themselves are not qualified, preference in employment where Federal funds are disbursed, and I urge the passage of this veterans' preference bill, which has the support of the American Legion, the Veterans of Foreign Wars, and the Disabled World War Veterans.

At this time I urge the Committee on World War Veterans' Legislation to favorably report out H. R. 4057 to the House for action.

I favor this legislation because this Nation of ours has trained 12,000,000 fighting men to destroy and kill. They have been taken away from schools, colleges, and jobs. Their home life has been broken up, and they have turned into hard, tough soldiers and sailors, yes, the best in the world.

Gentlemen, this war will not go on forever. One of these days it will be over; I pray soon.

We will then face a tremendous problem. It will be a problem of returning all these fighting men and women, too, back into normal channels of civilian life. This is a most important problem because it affects 10 percent of our entire population. It is the most vigorous 10 percent of the Nation—the young men and women upon whom the future welfare of this country will depend. Every effort must be made that nothing will interfere with the physical and economic

development of this segment of our people.

It is, therefore, a problem that must be solved well, and not in a haphazard, hit-and-miss manner, but must also be solved with understanding and sympathy because it is first of all a great human problem.

Yet the solution will not be easy. As I said previously, these millions of men have been taught how to destroy and kill. Now we have to retrain them how to build and live.

They will be coming back at a time when the country's national economy may be under terrific strain, when millions now employed in war production may be laid off, plants may shut down; no one can accurately predict the shape of those things to come.

But one prediction can be made with certainty. The millions of men and women returning from the war fronts and camps will need jobs, money, training, hospitalization, and other assistance. They will expect stability and security, so that they can start rebuilding their private lives.

We must give them all that. It is the least we can do for them because they will have given us continued freedom and liberty.

All this calls for being ready for a sound and orderly program. It must be a program that is fair alike to veterans and taxpayers. Such a program is needed now because men and women already are being discharged from the armed forces by the thousands every day. This is not only a major post-war program, it is also a today program.

It is my opinion that the American Legion has prepared such a master plan for demobilization and rehabilitation in its omnibus bill for World War No. 2 veterans—their G. I. bill of rights.

If enacted, this bill will provide a sound, modest, constructive plan for dealing with the entire veteran problem of this war. It will substitute order and system for the chaos and confusion now existing as a dozen different Government agencies are quarreling over control of certain functions for veterans. It will centralize responsibility, reduce red tape, eliminate overlapping services, reduce costs, and, most of all, assure the new veterans of a decent break.

The bill will also prevent a repetition of the tragic mistakes under which World War No. 1 veterans suffered.

Mr. GIFFORD. Mr. Speaker, will the gentleman yield?

Mr. RAMSPECK. I yield.

Mr. GIFFORD. I attended a committee meeting this morning at which Mr. Green was present. I wanted to ask about veterans preference on a project of the Government, where a union card is necessary. Would the soldier's preference card, even from us, supersede a union card? Could he have the job, or because he did not have a union card would he be refused?

Mr. RAMSPECK. If the gentleman is referring to Government projects, he would be given preference. The Government does not recognize any closed shop agreement, as far as I know. Wherever

the Government employs people they have a right to belong to a union, but there is no closed-shop agreement. This bill will give the veterans preference on any jobs where the United States Government, in the executive branch of the Government, is the employer.

Mr. WICKERSHAM. Mr. Speaker, will the gentleman yield?

Mr. RAMSPECK. I yield.

Mr. WICKERSHAM. As I understand it, a person now taking a post-office examination, who is going into the service, cannot be considered as eligible for that post office. Does not the gentleman from Georgia feel that that situation should be corrected?

Mr. RAMSPECK. Of course, I am not familiar with the question which the gentleman has asked. I did not know of any such rule existing, but it would not have any effect on this legislation. I will be very glad to look into the question which the gentleman has raised, but it does not affect this bill.

Mr. Speaker, I move the previous question on the motion.

The previous question was ordered.

The SPEAKER. The question is on the motion of the gentleman from Georgia to suspend the rules and pass the bill.

Mr. RAMSPECK. Mr. Speaker, on that I ask for a division.

The question was taken; and on a division there were—ayes 88, noes none.

Mr. RAMSPECK. Mr. Speaker, I object to the vote on the ground that there is no quorum present, and I make the point of order that there is no quorum present.

The SPEAKER. Evidently there is no quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 312, nays 1, not voting 116, as follows:

[Roll No. 54]

YEAS—312

|                |                 |              |
|----------------|-----------------|--------------|
| Abernethy      | Burch, Va.      | Dingell      |
| Allen, La.     | Burchill, N. Y. | Dondero      |
| Andersen,      | Burgin          | Doughton     |
| H. Carl        | Busbey          | Dworshak     |
| Anderson,      | Byrne           | Eaton        |
| N. Mex.        | Camp            | Elliott      |
| Andresen,      | Canfield        | Ellis        |
| August H.      | Capozzoli       | Ellison, Md. |
| Andrews, N. Y. | Carlson, Kans.  | Ellsworth    |
| Angell         | Carrier         | Elmer        |
| Arends         | Celler          | Elston, Ohio |
| Arnold         | Church          | Engel, Mich. |
| Auchincloss    | Clason          | Feighan      |
| Barden         | Cochran         | Fish         |
| Barrett        | Cole, Mo.       | Fisher       |
| Barry          | Cole, N. Y.     | Fitzpatrick  |
| Beall          | Colmer          | Flannagan    |
| Beckworth      | Compton         | Folger       |
| Bell           | Cooper          | Forand       |
| Bennett, Mich. | Costello        | Gallagher    |
| Bennett, Mo.   | Courtney        | Gamble       |
| Bishop         | Cox             | Gathings     |
| Blackney       | Cravens         | Gavin        |
| Bland          | Crawford        | Gibson       |
| Bloom          | Crosser         | Gifford      |
| Bolton         | Cunningham      | Gilchrist    |
| Bonner         | Curlley         | Gillespie    |
| Boykin         | Curtis          | Gillette     |
| Bradley, Mich. | D'Alessandro    | Gillie       |
| Brehm          | Davis           | Goodwin      |
| Brooks         | Dawson          | Gordon       |
| Brown, Ga.     | Day             | Gossett      |
| Brown, Ohio    | Delaney         | Graham       |
| Brumbaugh      | Dewey           | Grant, Ala.  |
| Bryson         | Dickstein       | Grant, Ind.  |
| Bulwinkle      | Dilweg          | Gregory      |



|                |                 |                  |
|----------------|-----------------|------------------|
| Griffiths      | McCowan         | Rogers, Calif.   |
| Gwynne         | McGehee         | Rogers, Mass.    |
| Hall           | McGregor        | Rohrbough        |
| Edwin Arthur   | McKenzie        | Rowan            |
| Hall           | McMillan        | McLean           |
| Leonard W.     | McMurray        | Rowe             |
| Hallock        | Madden          | Satterfield      |
| Hare           | Magnuson        | Scanlon          |
| Harless, Ariz. | Mahon           | Schiffner        |
| Harness, Ind.  | Maloney         | Scott            |
| Hartley        | Mansfield,      | Scrivner         |
| Heffernan      | Mont.           | Short            |
| Heidinger      | Mansfield, Tex. | Simpson, Pa.     |
| Hendricks      | Marcantonio     | Smith, Maine     |
| Herter         | Martin, Iowa    | Smith, Ohio      |
| Hess           | Martin, Mass.   | Smith, Wis.      |
| Hill           | Mason           | Snyder           |
| Hinshaw        | May             | Spence           |
| Hobbs          | Merritt         | Springer         |
| Hoeven         | Morrow          | Starnes, Ala.    |
| Hoffman        | Michener        | Stearns, N. H.   |
| Holifield      | Miller, Conn.   | Stevenson        |
| Holmes, Mass.  | Miller, Mo.     | Stigler          |
| Holmes, Wash.  | Miller, Nebr.   | Stockman         |
| Hope           | Miller, Pa.     | Sullivan         |
| Howell         | Mills           | Sumner, Ill.     |
| Hull           | Monkiewicz      | Sumners, Tex.    |
| Izac           | Monroney        | Sundstrom        |
| Jackson        | Mott            | Taber            |
| Jeffrey        | Mundt           | Talbot           |
| Jennings       | Murray, Tenn.   | Talle            |
| Johnson        | Murray, Wis.    | Tarver           |
| Anton J.       | Norman          | Taylor           |
| Johnson        | O'Brien, Ill.   | Thomas, N. J.    |
| Calvin D.      | O'Brien, Mich.  | Thomas, Tex.     |
| Johnson, Ind.  | O'Brien, N. Y.  | Thomason         |
| Johnson        | O'Hara          | Tibbott          |
| J. Leroy       | O'Konski        | Tolan            |
| Johnson        | O'Toole         | Torrens          |
| Luther A.      | Outland         | Towe             |
| Johnson        | Pace            | Treadway         |
| Lyndon B.      | Patman          | Troutman         |
| Johnson, Ward  | Patton          | Vincent, Ky.     |
| Jonkman        | Peterson, Fla.  | Vinson, Ga.      |
| Judd           | Peterson, Ga.   | Voorhis, Calif.  |
| Kean           | Pfeifer         | Vorys, Ohio      |
| Kearney        | Philbin         | Vursell          |
| Keefe          | Pittenger       | Wadsworth        |
| Kelley         | Ploeser         | Walter           |
| Keogh          | Plumley         | Wasielewski      |
| Kilburn        | Poage           | Weaver           |
| Kilday         | Poulson         | Welch            |
| King           | Powers          | Wene             |
| Kinzer         | Pracht,         | West             |
| Kirwan         | C. Frederick    | Whelchel, Ga.    |
| Kleberg        | Pratt,          | Whitten          |
| Klein          | Joseph M.       | Whittington      |
| Knutson        | Priest          | Wickersham       |
| LaFollette     | Rabaut          | Wigglesworth     |
| Lambertson     | Ramey           | Willey           |
| Lanham         | Ramspeck        | Wilson           |
| Larcade        | Randolph        | Winstead         |
| Lea            | Rankin          | Winter           |
| LeCompte       | Reece, Tenn.    | Wolfcott         |
| Lemke          | Reed, Ill.      | Wolfeenden, Pa.  |
| Lesinski       | Rees, Kans.     | Wolverton, N. J. |
| Lewis          | Richards        | Woodruff, Mich.  |
| Luce           | Robertson       | Woodrum, Va.     |
| Ludlow         | Robinson, Utah  | Worley           |
| Lynch          | Robson, Ky.     | Wright           |
| McConnell      | Rockwell        | Zimmerman        |
| McCord         | Rodgers, Pa.    |                  |
| McCormack      |                 |                  |

NAYS—1

Smith, Va.

NOT VOTING—116

|                  |               |                 |
|------------------|---------------|-----------------|
| Allen, Ill.      | Dirksen       | Hancock         |
| Anderson, Calif. | Disney        | Harris, Ark.    |
| Andrews, Ala.    | Douglas       | Harris, Va.     |
| Baldwin, Md.     | Drewry        | Hart            |
| Baldwin, N. Y.   | Durham        | Hays            |
| Bates, Ky.       | Eberhart      | Hébert          |
| Bates, Mass.     | Engle, Calif. | Hoch            |
| Bender           | Fay           | Horan           |
| Boren            | Fellows       | Jarman          |
| Bradley, Pa.     | Fenton        | Jenkins         |
| Buckley          | Fernandez     | Jensen          |
| Buffett          | Fogarty       | Johnson, Okla.  |
| Burdick          | Ford          | Jones           |
| Butler           | Fulbright     | Kee             |
| Cannon, Fla.     | Fuller        | Kefauver        |
| Cannon, Mo.      | Fulmer        | Kennedy         |
| Carson, Ohio     | Furlong       | Kerr            |
| Carter           | Gale          | Kunkel          |
| Case             | Gearhart      | Landis          |
| Chapman          | Gerlach       | Lane            |
| Chenoweth        | Gore          | LeFevre         |
| Chiferfield      | Gorski        | McWilliams      |
| Clark            | Granger       | Maas            |
| Clevenger        | Green         | Manasco         |
| Coffee           | Gross         | Morrison, La.   |
| Cooley           | Hagen         | Morrison, N. C. |
| Dies             | Hale          | Mruk            |

|             |               |               |
|-------------|---------------|---------------|
| Murdock     | Rizley        | Slaughter     |
| Murphy      | Rolph         | Smith, W. Va. |
| Myers       | Russell       | Somers, N. Y. |
| Newsome     | Sadowski      | Sparkman      |
| Norrell     | Sasser        | Stanley       |
| Norton      | Sauthoff      | Stefan        |
| O'Connor    | Schwabe       | Stewart       |
| O'Neal      | Shafer        | Ward          |
| Phillips    | Sheppard      | Weichel, Ohio |
| Price       | Sheridan      | Weiss         |
| Reed, N. Y. | Sikes         | White         |
| Rivers      | Simpson, Ill. |               |

So, two-thirds having voted in favor thereof, the rules were suspended, and the bill was passed.

The Clerk announced the following pairs:

General pairs:

|                                              |                                                  |
|----------------------------------------------|--------------------------------------------------|
| Mr. Green, with Mr. Jenkins.                 | Mr. Ward, with Mr. Simpson of Illinois.          |
| Mr. Hart, with Mr. Reed of New York.         | Mr. Boykin, with Mr. Rolph.                      |
| Mr. O'Neal, with Mr. Dirksen.                | Mrs. Norton, with Miss Stanley.                  |
| Mr. Hoch, with Mr. Kunkel.                   | Mr. Sheppard, with Mr. Fenton.                   |
| Mr. Buckley, with Mr. Jones.                 | Mr. Kennedy, with Mr. Allen of Illinois.         |
| Mr. Sparkman, with Mr. Douglas.              | Mr. Andrews of Alabama, with Mr. Butler.         |
| Mr. Lane, with Mr. Schwabe.                  | Mr. Somers of New York, with Mr. Carson of Ohio. |
| Mr. Manasco, with Mr. Weichel of Ohio.       | Mr. Morrison of Louisiana, with Mr. Jensen.      |
| Mr. Fay, with Mr. Shafer.                    | Mr. Furlong, with Mr. Clevenger.                 |
| Mr. Gorski, with Mr. LeFevre.                | Mr. Murdock, with Mr. Baldwin of New York.       |
| Mr. Sadowski, with Mr. Stefan.               | Mr. Chapman, with Mr. Sauthoff.                  |
| Mr. Engle of California, with Mr. Chenoweth. | Mr. Fulbright, with Mr. Rizley.                  |
|                                              | Mr. Newsome, with Mr. Phillips.                  |
|                                              | Mr. Slaughter, with Mr. Anderson of California.  |
|                                              | Mr. Baldwin of Maryland, with Mr. Fuller.        |
|                                              | Mr. Bradley of Pennsylvania, with Mr. Landis.    |
|                                              | Mr. Cannon of Missouri, with Mr. Fellows.        |
|                                              | Mr. Drewry, with Mr. Horan.                      |
|                                              | Mr. Harris of Virginia, with Mr. Buffett.        |
|                                              | Mr. Jarman, with Mr. Hancock.                    |
|                                              | Mr. Weiss, with Mr. Bender.                      |
|                                              | Mr. Smith of West Virginia, with Mr. Gross.      |
|                                              | Mr. Kerr, with Mr. Maas.                         |
|                                              | Mr. Kee, with Mr. Mruk.                          |

The result of the vote was announced as above recorded.

The doors were opened.

Mr. PETERSON of Georgia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill just passed.

Th SPEAKER. Is there objection?

There was no objection.

#### BOARD OF VISITORS TO THE UNITED STATES COAST GUARD ACADEMY

The SPEAKER laid before the House the following communication:

APRIL 12, 1944.

The SPEAKER,  
House of Representatives,  
Washington, D. C.

DEAR MR. SPEAKER: HON. FRANK W. BOYKIN, of Alabama, has resigned from the Board of Visitors to the United States Coast Guard Academy, and I am writing to advise you that I have appointed Hon. LOUIS J. CAPOZZOLI, of New York, to serve in his place.

Yours very sincerely,

S. O. BLAND, Chairman.

#### EXTENSION OF REMARKS

Mr. SABATH. Mr. Speaker, I ask unanimous consent to revise and extend the remarks I made earlier in the day.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

(Mr. HOLIFIELD asked and was given permission to extend his remarks in the RECORD.)

Mr. MUNDT. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include therein a newspaper article by Gould Lincoln entitled "Sphynx of Albany, Tom Dewey."

The SPEAKER. Is there objection to the request of the gentleman from South Dakota?

There was no objection.

[The matter referred to appears in the Appendix.]

#### PERSONAL EXPLANATION

Mr. PETERSON of Georgia. Mr. Speaker, I was unavoidably delayed attending a session of the House on last Friday. Had I been present I would have voted for the naval appropriation bill.

#### EXTENSION OF LEND-LEASE

Mr. COX. Mr. Speaker, I call up House Resolution 498, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

*Resolved*, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 4254), to extend for 1 year the provisions of an act to promote the defense of the United States, approved March 11, 1941, as amended, and all points of order against said bill are hereby waived. That after general debate, which shall be confined to the bill and continue not to exceed 2 days, to be equally divided and controlled by the chairman and the ranking minority member of the Committee on Foreign Affairs, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the consideration of the bill for amendment, the committee shall rise and report the bill to the House with such amendments as may have been adopted and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion, except one motion to recommit.

Mr. COX. Mr. Speaker, I yield 30 minutes to the gentleman from New York [Mr. FISH], to be used as he deems proper, and I yield myself 5 minutes at this time.

Mr. Speaker, this resolution makes in order the consideration of the bill H. R. 4254, reported by the Committee on Foreign Affairs. H. R. 4254, with the exception of one amendment, simply provides for an extension of the Lend-Lease Act adopted in 1941 for the period of 1 year.

At the hearing before the Rules Committee on the application for a rule it was disclosed that this bill was reported unanimously by the Committee on Foreign Affairs. The action of the Rules Committee on the pending resolution was unanimous. A splendid report was filed with the bill. It sets forth convincing reasons why the bill should be accepted.







78TH CONGRESS  
2D SESSION

# H. R. 4115

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IN THE SENATE OF THE UNITED STATES

APRIL 18 (legislative day, APRIL 12), 1944

Read twice and referred to the Committee on Civil Service

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## AN ACT

To give honorably discharged veterans, their widows, and the wives of disabled veterans, who themselves are not qualified, preference in employment where Federal funds are disbursed.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*  
3       That this Act may be cited as the "Veterans' Preference  
4       Act of 1944".

5       SEC. 2. In certification for appointment, in appoint-  
6       ment, in reinstatement, in reemployment, and in retention  
7       in civilian positions in all establishments, agencies, bureaus,  
8       administrations, projects, and departments of the Govern-  
9       ment, permanent or temporary, and in either (a) the classi-

1 fied civil service; (b) the unclassified civil service; (c)  
2 any temporary or emergency establishment, agency, bureau,  
3 administration, project, and department created by Acts of  
4 Congress or Presidential Executive order; and (d) the civil  
5 service of the District of Columbia, preference shall be given  
6 to (1) those ex-service men and women who have served  
7 honorably in any branch of the armed forces of the United  
8 States who have established the present existence of a serv-  
9 ice-connected disability or who are receiving compensation,  
10 disability retirement benefits, or pension by reason of public  
11 laws administered by the Veterans' Administration, the War  
12 Department or the Navy Department; (2) the wives of  
13 such service-connected disabled ex-servicemen and the hus-  
14 bands of such service-connected disabled ex-servicewomen as  
15 have themselves been unable to qualify for any civil-service  
16 appointment; (3) the unmarried widows of deceased ex-  
17 servicemen who served honorably in any branch of the armed  
18 forces of the United States during any war, or in any cam-  
19 paign or expedition (for which a campaign badge has been  
20 authorized), the widowers of any deceased ex-servicewomen  
21 who have served honorably in any branch of the armed forces  
22 of the United States during any war or in any campaign or  
23 expedition (for which a campaign badge has been author-  
24 ized) who are supporting any children under 18 years of age  
25 of such deceased ex-servicewomen; and (4) those honorably



1 discharged ex-servicemen and women who have served in  
2 any branch of the armed forces of the United States, during  
3 any war, or in any campaign or expedition (for which a  
4 campaign badge has been authorized) .

5       SEC. 3. In all examinations to determine the qualifica-  
6 tions of applicants for entrance into the service ten points  
7 shall be added to the earned ratings of those persons in-  
8 cluded under section 2 (1), (2), and (3), and five points  
9 shall be added to the earned ratings of those persons included  
10 under section 2 (4) of this Act: *Provided*, That in exami-  
11 nations for the positions of guards, elevator operators, mes-  
12 sengers, and custodians competition shall be restricted to  
13 persons entitled to preference under this Act as long as  
14 persons entitled to preference are available and during the  
15 present war and for a period of five years following the  
16 termination of the present war as proclaimed by the Presi-  
17 dent or by a concurrent resolution of the Congress for such  
18 other positions as may from time to time be determined by  
19 the President.

20       SEC. 4. In examinations where experience is an ele-  
21 ment of qualification, time spent in the military or naval  
22 service of the United States shall be credited in a veteran's  
23 rating where his or her actual employment in a similar  
24 vocation to that for which he or she is examined was inter-  
25 rupted by such military or naval service. In all examinations

1 to determine the qualifications of a veteran applicant, credit  
2 shall be given for all valuable experience, including expe-  
3 rience gained in religious, civic, welfare, service, and organi-  
4 zational activities, regardless of whether any compensation  
5 was received therefor.

6 SEC. 5. In determining qualifications for examination,  
7 appointment, promotion, retention, transfer, or reinstatement.  
8 with respect to preference eligibles, the Civil Service Com-  
9 mission or other examining agency shall waive requirements  
10 as to age, height, and weight, provided any such requirement  
11 is not essential to the performance of the duties of the position  
12 for which examination is given. The Civil Service Commis-  
13 sion or other examining agency, after giving due consideration  
14 to the recommendation of any accredited physician in the  
15 service of the United States, shall waive the physical require-  
16 ments in the case of any veteran, provided such veteran  
17 is, in the opinion of the Civil Service Commission, or  
18 other examining agency physically able to discharge effi-  
19 ciently the duties of the position for which the examination is  
20 given. No minimum educational requirement will be pre-  
21 scribed in any civil-service examination except for such  
22 scientific, technical, or professional positions the duties of  
23 which the Civil Service Commission decides cannot be per-  
24 formed by a person who does not have such education. The

1 Commission shall make a part of its public records its reasons  
2 for such decision.

3 SEC. 6. Preference eligibles shall not be subject to the  
4 provisions of section 9 of the Civil Service Act concerning  
5 two or more members of family in the service, or to the  
6 provisions of section 2 of that Act concerning apportion-  
7 ment of appointments in the Government departments in  
8 the District of Columbia among the several States and  
9 Territories according to population, but may be required  
10 to furnish evidence of residence and domicile.

11 SEC. 7. The names of preference eligibles shall be en-  
12 tered on the appropriate registers or lists of eligibles in ac-  
13 cordance with their respective augmented ratings, and the  
14 name of a preference eligible shall be entered ahead of all  
15 others having the same rating: *Provided*, That, except for  
16 positions in the professional and scientific services for which  
17 the entrance salary is over \$3,000 per annum, the names of  
18 all qualified preference eligibles, entitled to ten points in ad-  
19 dition to their earned ratings shall be placed at the top of the  
20 appropriate civil-service register or employment list, in ac-  
21 cordance with their respective augmented ratings.

22 SEC. 8. When, in accordance with civil-service laws  
23 and rules, a nominating or appointing officer shall request  
24 certification of eligibles for appointment purposes, the Civil

1 Service Commission shall certify, from the top of the ap-  
2 propriate register of eligibles, a number of names sufficient to  
3 permit the nominating or appointing officer to consider at least  
4 three names in connection with each vacancy. The nominat-  
5 ing or appointing officer shall make selection for each  
6 vacancy from not more than the highest three names  
7 available for appointment on such certification, unless  
8 objection shall be made, and sustained by the Commis-  
9 sion, to one or more of the persons certified, for any  
10 proper and adequate reason, as may be prescribed in the  
11 rules promulgated by the Civil Service Commission: *Pro-*  
12 *vided*, That an appointing officer who passes over a veteran  
13 eligible and selects a nonveteran shall file with the Civil  
14 Service Commission his reasons in writing for so doing,  
15 which shall become a part of the record of such veteran  
16 eligible, and shall be made available upon request to the  
17 veteran or his designated representative; the Civil Service  
18 Commission is directed to determine the sufficiency of such  
19 submitted reasons and, if found insufficient, shall require  
20 such appointing officer to submit more detailed information  
21 in support thereof; the findings of the Civil Service Com-  
22 mission as to the sufficiency or insufficiency of such reasons  
23 shall be transmitted to and considered by such appointing  
24 officer, and a copy thereof shall be sent to the veteran  
25 eligible or to his designated representative upon request there-



1 for: *Provided, further,* That if, upon certification, reasons  
2 deemed sufficient by the Civil Service Commission for passing  
3 over his name shall three times have been given by an  
4 appointing officer, certification of his name for appointment  
5 may thereafter be discontinued, prior notice of which shall  
6 be sent to the veteran eligible. Whenever in the Postal  
7 Service two or more substitutes are appointed on the same  
8 day, they shall be promoted to the regular force in the  
9 order in which their names appeared on the civil-service  
10 register from which they were originally appointed, when-  
11 ever there are substitutes of the required sex who are  
12 eligible and will accept, unless such vacancies are filled by  
13 transfer or reinstatement.

14 SEC. 9. In the unclassified Federal, and District of  
15 Columbia, civil service, and in all other positions and employ-  
16 ment hereinbefore referred to in (c) of section 2 hereof, the  
17 nominating or appointing officer or employing official shall  
18 make selection from the qualified applicants in accordance  
19 with the provisions of this Act.

20 SEC. 10. The Civil Service Commission is authorized and  
21 directed to hold an examination, during the next succeeding  
22 quarterly period, for any position to which any appointment  
23 has been made within the preceding three years, for any  
24 person included under section 2 (1), (2), and (3) of this  
25 Act upon application for examination for any such position.

1        SEC. 11. The Civil Service Commission is hereby author-  
2 ized to promulgate appropriate rules and regulations for the  
3 administration and enforcement of the provisions of this Act.

4        SEC. 12. In any reduction in personnel in any civilian  
5 service of any Federal agency, competing employees shall  
6 be released in accordance with Civil Service Commission  
7 regulations which shall give due effect to tenure of employ-  
8 ment, military preference, length of service, and efficiency  
9 ratings: *Provided*, That the length of time spent in active  
10 service in the armed forces of the United States of each such  
11 employee shall be credited in computing length of total  
12 service: *Provided further*, That preference employees whose  
13 efficiency ratings are "good" or better shall be retained in  
14 preference to all other competing employees and that prefer-  
15 ence employees whose efficiency rating are below "good"  
16 shall be retained in preference to competing nonpreference  
17 employees who have equal or lower efficiency ratings: *And*  
18 *provided further*, That when any or all of the functions of  
19 any agency are transferred to, or when any agency is re-  
20 placed by, some other agency, or agencies, all preference  
21 employees in the function or functions transferred or in the  
22 agency which is replaced by some other agency shall first be  
23 transferred to the replacing agency, or agencies, for employ-  
24 ment in positions for which they are qualified, before such

1 agency, or agencies, shall appoint additional employees from  
2 any other source for such positions.

3 SEC. 13. Any preference eligible who has resigned or  
4 who has been dismissed or furloughed may, at the request  
5 of any appointing officer, be certified for, and appointed to,  
6 any position for which he may be eligible in the civil service,  
7 Federal, or District of Columbia, or in any establishment,  
8 agency, bureau, administration, project, or department, tem-  
9 porary or permanent.

10 SEC. 14. No permanent or indefinite preference eligible,  
11 who has completed a probationary or trial period employed  
12 in the civil service, or in any establishment, agency, bu-  
13 reau, administration, project, or department, hereinbefore  
14 referred to shall be discharged, suspended for more than  
15 thirty days, furloughed without pay, reduced in rank or  
16 compensation, or debarred for future appointment except  
17 for such cause as will promote the efficiency of the service  
18 and for reasons given in writing, and the person whose  
19 discharge, suspension for more than thirty days, furlough  
20 without pay, or reduction in rank or compensation is sought  
21 shall have at least thirty days' advance written notice  
22 (except where there is reasonable cause to believe the em-  
23 ployee to be guilty of a crime for which a sentence of  
24 imprisonment can be imposed), stating any and all reasons,



1 specifically and in detail, for any such proposed action; such  
2 preference eligible shall be allowed a reasonable time for  
3 answering the same personally and in writing, and for furnish-  
4 ing affidavits in support of such answer, and shall have the  
5 right to appeal to the Civil Service Commission from an ad-  
6 verse decision of the administrative officer so acting, such  
7 appeal to be made in writing within a reasonable length of  
8 time after the date of receipt of notice of such adverse deci-  
9 sion: *Provided*, That such preference eligible shall have the  
10 right to make a personal appearance, or an appearance  
11 through a designated representative, in accordance with such  
12 reasonable rules and regulations as may be issued by the Civil  
13 Service Commission; after investigation and consideration of  
14 the evidence submitted, the Civil Service Commission shall  
15 submit its findings and recommendations to the proper ad-  
16 ministrative officer and shall send copies of same to the  
17 appellant or to his designated representative: *Provided fur-*  
18 *ther*, That the Civil Service Commission may declare any  
19 such preference eligible who may have been dismissed or  
20 furloughed without pay to be eligible for the provisions of  
21 section 15 hereof.

22 SEC. 15. Any preference eligible, who has been fur-  
23 loughed, or separated without delinquency or misconduct,



1 upon request, shall have his name placed on all appropriate  
2 civil-service registers and/or on all employment lists, for  
3 every position for which his qualifications have been estab-  
4 lished, as maintained by the Civil Service Commission, or as  
5 shall be maintained by any agency or project of the Federal  
6 Government, or of the District of Columbia, in the order as  
7 provided in section 7 hereof, and shall then be eligible for  
8 recertification and reappointment in the order and according  
9 to the procedure as provided for in sections 7 and 8 hereof.  
10 No appointment shall be made from an examination register  
11 of eligibles when there are three or more names of preference  
12 eligibles on any appropriate reemployment list for the posi-  
13 tion to be filled.

14 SEC. 16. Any preference eligible who has resigned shall,  
15 upon request to the Civil Service Commission, have his name  
16 again placed on all proper civil-service registers for which  
17 he may have been qualified, in the order as provided for  
18 in section 7 hereof, and shall then be eligible for recertifica-  
19 tion and reappointment in the order, and according to the  
20 procedure, as provided for in sections 7 and 8 hereof.

21 SEC. 17. The term "Civil Service Commission" or  
22 "Commission" as used in this Act shall mean the present  
23 United States Civil Service Commission or any body or

1 person who may by law succeed to its powers and duties,  
2 or any of them; or which or who may be designated by law  
3 to perform any specific duty and possess any specific power  
4 concerning matters covered by this Act.

5       SEC. 18. All Acts and parts of Acts inconsistent with the  
6 provisions hereof are hereby modified to conform herewith,  
7 and this Act shall not be construed to take away from any  
8 preference eligible any rights heretofore granted to, or  
9 possessed by, him under any existing law, Executive order,  
10 civil-service rule or regulation, of any department of the Gov-  
11 ernment or officer thereof.

12       SEC. 19. It shall be the authority and duty of the Civil  
13 Service Commission in all cases under the classified civil  
14 service to make and enforce appropriate rules and regulations  
15 to carry into full effect the provisions, intent, and purpose of  
16 this Act and such Executive orders as may be issued pursuant  
17 thereto and in furtherance thereof.

18       SEC. 20. Nothing contained in this Act is intended to  
19 apply to any position or appointment which by the Congress  
20 is required to be confirmed by, or made with, the advice and  
21 consent of the United States Senate: *Provided, however, That*  
22 the provisions of this Act shall apply to appointments under

1 Public Law Numbered 720, Seventy-fifth Congress, third  
2 session, approved June 25, 1938.

3 SEC. 21. If any part of this Act shall be found to be  
4 unconstitutional, the rest of it shall be considered as in full  
5 force and effect.

Passed the House of Representatives April 17, 1944.

Attest:

SOUTH TRIMBLE,

*Clerk.*

78TH CONGRESS  
2D Session

# H. R. 4115

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## AN ACT

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To give honorably discharged veterans, their widows, and the wives of disabled veterans, who themselves are not qualified, preference in employment where Federal funds are disbursed.

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APRIL 18 (legislative day, APRIL 12), 1944

Read twice and referred to the Committee on  
Civil Service







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Office of Budget and Finance

**PREFERENCE IN EMPLOYMENT OF HONORABLY DISCHARGED VETERANS WHERE  
FEDERAL FUNDS ARE DISBURSED**

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**HEARINGS**

BEFORE THE

**COMMITTEE ON CIVIL SERVICE**

**UNITED STATES SENATE**

**SEVENTY-EIGHTH CONGRESS**

**SECOND SESSION**

ON

**S. 1762 and H. R. 4115**

**BILLS TO GIVE HONORABLY DISCHARGED VETERANS, THEIR  
WIDOWS, AND THE WIVES OF DISABLED VETERANS,  
WHO THEMSELVES ARE NOT QUALIFIED,  
PREFERENCE IN EMPLOYMENT WHERE  
FEDERAL FUNDS ARE  
DISBURSED**

---

MAY 19 AND 23, 1944

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Printed for the use of the Committee on Civil Service



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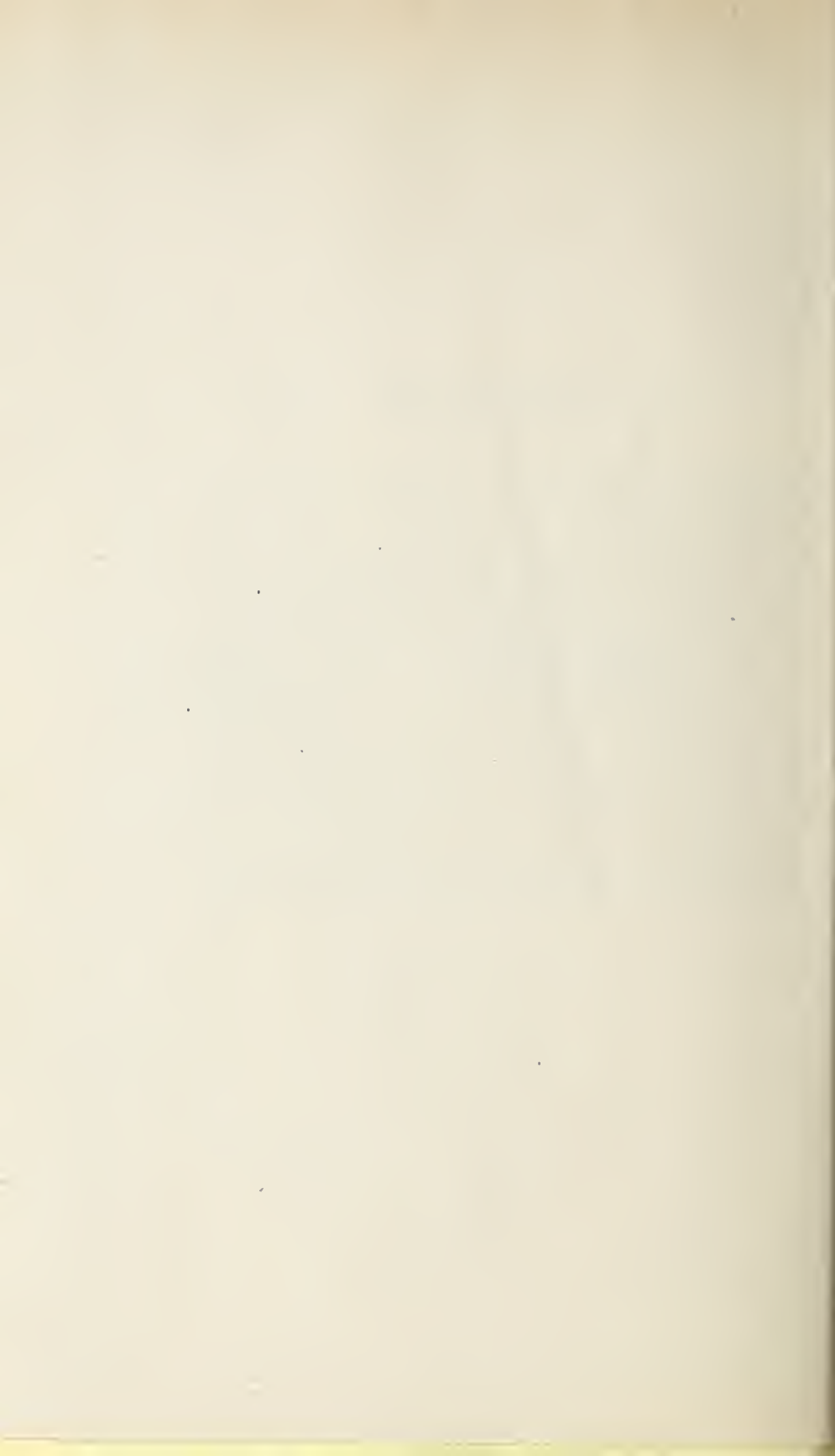
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# PREFERENCE IN EMPLOYMENT OF HONORABLY DISCHARGED VETERANS WHERE FEDERAL FUNDS ARE DISBURSED

FRIDAY, MAY 19, 1944

UNITED STATES SENATE,  
COMMITTEE ON CIVIL SERVICE,  
Washington, D. C.

The committee met, pursuant to notice, at 10:15 a. m., Senator Sheridan Downey (chairman) presiding.

Also present: Senators Downey (chairman), Mead, Byrd, and Langer.

Also present: Congressmen Starnes and LaFollette.

The CHAIRMAN. Gentlemen, we have before us this morning a very important measure from the House of Representatives, H. R. 4115, introduced there by Mr. Starnes and already passed by the House. (H. R. 4115 follows:)

[H. R. 4115, 78th Cong., 2d sess.]

AN ACT To give honorably discharged veterans, their widows, and the wives of disabled veterans, who themselves are not qualified, preference in employment where Federal funds are disbursed

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Veterans' Preference Act of 1944".*

SEC. 2. In certification for appointment, in appointment, in reinstatement, in reemployment, and in retention in civilian positions in all establishment, agencies, bureaus, administrations, projects, and departments of the Government, permanent or temporary, and in either (a) the classified civil service; (b) the unclassified civil service; (c) any temporary or emergency establishment, agency, bureau, administration, project, and department created by Acts of Congress or Presidential Executive order; and (d) the civil service of the District of Columbia, preference shall be given to (1) those ex-service men and women who have served honorably in any branch of the armed forces of the United States who have established the present existence of a service-connected disability or who are receiving compensation, disability retirement benefits, or pension by reason of public laws administered by the Veterans' Administration, the War Department or the Navy Department; (2) the wives of such service-connected disabled ex-servicemen and the husbands of such service-connected disabled ex-servicewomen as have themselves been unable to qualify for any civil-service appointment; (3) the unmarried widows of deceased ex-servicemen who served honorably in any branch of the armed forces of the United States during any war, or in any campaign or expedition (for which a campaign badge has been authorized), the widowers of any deceased ex-servicewomen who have served honorably in any branch of the armed forces of the United States during any war or in any campaign or expedition (for which a campaign badge has been authorized) who are supporting any children under 18 years of age of such deceased ex-servicewomen; and (4) those honorably discharged ex-service men and women who have served in any branch of the armed forces of the United States, during any war, or in any campaign or expedition (for which a campaign badge has been authorized).

SEC. 3. In all examinations to determine the qualifications of applicants for entrance into the service ten points shall be added to the earned ratings of those persons included under section 2 (1), (2), and (3), and five points shall be added to the earned ratings of those persons included under section 2 (4) of this Act: *Provided*, That in examinations for the positions of guards, elevator operators, messengers, and custodians competition shall be restricted to persons entitled to preference under this Act as long as persons entitled to preference are available and during the present war and for a period of five years following the termination of the present war as proclaimed by the President or by a concurrent resolution of the Congress for such other positions as may from time to time be determined by the President.

SEC. 4. In examinations where experience is an element of qualification, time spent in the military or naval service of the United States shall be credited in a veteran's rating where his or her actual employment in a similar vocation to that for which he or she is examined was interrupted by such military or naval service. In all examinations to determine the qualifications of a veteran applicant, credit shall be given for all valuable experience, including experience gained in religious, civic, welfare, service, and organizational activities, regardless of whether any compensation was received therefor.

SEC. 5. In determining qualifications for examination, appointment, promotion, retention, transfer, or reinstatement, with respect to preference eligibles, the Civil Service Commission or other examining agency shall waive requirements as to age, height, and weight, provided any such requirement is not essential to the performance of the duties of the position for which examination is given. The Civil Service Commission or other examining agency, after giving due consideration to the recommendation of any accredited physician in the service of the United States, shall waive the physical requirements in the case of any veteran, provided such veteran is, in the opinion of the Civil Service Commission, or other examining agency physically able to discharge efficiently the duties of the position for which the examination is given. No minimum educational requirement will be prescribed in any civil-service examination except for such scientific, technical, or professional positions the duties of which the Civil Service Commission decides cannot be performed by a person who does not have such education. The Commission shall make a part of its public records its reasons for such decision.

SEC. 6. Preference eligibles shall not be subject to the provisions of section 9 of the Civil Service Act concerning two or more members of family in the service, or to the provisions of section 2 of that Act concerning apportionment of appointments in the Government departments in the District of Columbia among the several States and Territories according to population, but may be required to furnish evidence of residence and domicile.

SEC. 7. The names of preference eligibles shall be entered on the appropriate registers or lists of eligibles in accordance with their respective augmented ratings, and the name of a preference eligible shall be entered ahead of all others having the same rating: *Provided*, That, except for positions in the professional and scientific services for which the entrance salary is over \$3,000 per annum, the names of all qualified preference eligibles, entitled to ten points in addition to their earned ratings shall be placed at the top of the appropriate civil-service register or employment list, in accordance with their respective augmented ratings.

SEC. 8. When, in accordance with civil-service laws and rules, a nominating or appointing officer shall request certification of eligibles for appointment purposes, the Civil Service Commission shall certify, from the top of the appropriate register of eligibles, a number of names sufficient to permit the nominating or appointing officer to consider at least three names in connection with each vacancy. The nominating or appointing officer shall make selection for each vacancy from not more than the highest three names available for appointment on such certification, unless objection shall be made, and sustained by the Commission, to one or more of the persons certified, for any proper and adequate reason, as may be prescribed in the rules promulgated by the Civil Service Commission: *Provided*, That an appointing officer who passes over a veteran eligible and selects a nonveteran shall file with the Civil Service Commission his reasons in writing for so doing, which shall become a part of the record of such veteran eligible, and shall be made available upon request to the veteran or his designated representative; the Civil Service Commission is directed to determine the sufficiency of such submitted reasons and, if found insufficient, shall require such appointing officer to submit more detailed infor-



mation in support thereof; the findings of the Civil Service Commission as to the sufficiency or insufficiency of such reasons shall be transmitted to and considered by such appointing officer, and a copy thereof shall be sent to the veteran eligible or to his designated representative upon request therefor: *Provided further*, That if, upon certification, reasons deemed sufficient by the Civil Service Commission for passing over his name shall three times have been given by an appointing officer, certification of his name for appointment may thereafter be discontinued, prior notice of which shall be sent to the veteran eligible. Whenever in the Postal Service two or more substitutes are appointed on the same day, they shall be promoted to the regular force in the order in which their names appeared on the civil-service register from which they were originally appointed, whenever there are substitutes of the required sex who are eligible and will accept, unless such vacancies are filled by transfer or reinstatement.

SEC. 9. In the unclassified Federal, and District of Columbia, civil service, and in all other positions and employment hereinbefore referred to in (c) of section 2 hereof, the nominating or appointing officer or employing official shall make selection from the qualified applicants in accordance with the provisions of this Act.

SEC. 10. The Civil Service Commission is authorized and directed to hold an examination, during the next succeeding quarterly period, for any position to which any appointment has been made within the preceding three years, for any person included under section 2 (1), (2), and (3) of this Act upon application for examination for any such position.

SEC. 11. The Civil Service Commission is hereby authorized to promulgate appropriate rules and regulations for the administration and enforcement of the provisions of this Act.

SEC. 12. In any reduction in personnel in any civilian service of any Federal agency, competing employees shall be released in accordance with Civil Service Commission regulations which shall give due effect to tenure of employment, military preference, length of service, and efficiency ratings: *Provided*, That the length of time spent in active service in the armed forces of the United States of each such employee shall be credited in computing length of total service: *Provided further*, That preference employees whose efficiency ratings are "good" or better shall be retained in preference to all other competing employees and that preference employees whose efficiency rating are below "good" shall be retained in preference to competing nonpreference employees who have equal or lower efficiency ratings: *And provided further*, That when any or all of the functions of any agency are transferred to, or when any agency is replaced by, some other agency, or agencies, all preference employees in the function or functions transferred or in the agency which is replaced by some other agency shall first be transferred to the replacing agency, or agencies, for employment in positions for which they are qualified, before such agency, or agencies, shall appoint additional employees from any other source for such positions.

SEC. 13. Any preference eligible who has resigned or who has been dismissed or furloughed may, at the request of any appointing officer, be certified for, and appointed to, any position for which he may be eligible in the civil service, Federal, or District of Columbia, or in any establishment, agency, bureau, administration, project, or department, temporary or permanent.

SEC. 14. No permanent or indefinite preference eligible, who has completed a probationary or trial period employed in the civil service, or in any establishment, agency, bureau, administration, project, or department, hereinbefore referred to shall be discharged, suspended for more than thirty days, furloughed without pay, reduced in rank or compensation, or debarred for future appointment except for such cause as will promote the efficiency of the service and for reasons given in writing, and the person whose discharge, suspension for more than thirty days, furlough without pay, or reduction in rank or compensation is sought shall have at least thirty days' advance written notice (except where there is reasonable cause to believe the employee to be guilty of a crime for which a sentence of imprisonment can be imposed), stating any and all reasons, specifically and in detail, for any such proposed action; such preference eligible shall be allowed a reasonable time for answering the same personally and in writing, and for furnishing affidavits in support of such answer, and shall have the right to appeal to the Civil Service Commission from an adverse decision of the administrative officer so acting, such appeal to be made in writing within a reasonable length of time after the date of receipt of notice of such adverse decision: *Provided*, That such preference eligible shall

have the right to make a personal appearance, or an appearance through a designated representative, in accordance with such reasonable rules and regulations as may be issued by the Civil Service Commission; after investigation and consideration of the evidence submitted, the Civil Service Commission shall submit its findings and recommendations to the proper administrative officer and shall send copies of same to the appellant or to his designated representative: *Provided further*, That the Civil Service Commission may declare any such preference eligible who may have been dismissed or furloughed without pay to be eligible for the provisions of section 15 hereof.

SEC. 15. Any preference eligible, who has been furloughed, or separated without delinquency or misconduct, upon request, shall have his name placed on all appropriate civil-service registers and/or on all employment lists, for every position for which his qualifications have been established, as maintained by the Civil Service Commission, or as shall be maintained by any agency or project of the Federal Government, or of the District of Columbia, in the order as provided in section 7 hereof, and shall then be eligible for recertification and reappointment in the order and according to the procedure as provided for in sections 7 and 8 hereof. No appointment shall be made from an examination register of eligibles when there are three or more names of preference eligibles on any appropriate reemployment list for the position to be filled.

SEC. 16. Any preference eligible who has resigned shall, upon request to the Civil Service Commission, have his name again placed on all proper civil-service registers for which he may have been qualified, in the order as provided for in section 7 hereof, and shall then be eligible for recertification and reappointment in the order, and according to the procedure, as provided for in sections 7 and 8 hereof.

SEC. 17. The term "Civil Service Commission" or "Commission" as used in this Act shall mean the present United States Civil Service Commission or any body or person who may by law succeed to its powers and duties, or any of them, or which or who may be designated by law to perform any specific duty and possess any specific power concerning matters covered by this Act.

SEC. 18. All Acts and parts of Acts inconsistent with the provisions hereof are hereby modified to conform herewith, and this Act shall not be construed to take away from any preference eligible any rights heretofore granted to, or possessed by him under any existing law. Executive order, civil-service rule or regulation, of any department of the Government or officer thereof.

SEC. 19. It shall be the authority and duty of the Civil Service Commission in all cases under the classified civil service to make and enforce appropriate rules and regulations to carry into full effect the provisions, intent, and purpose of this Act and such Executive orders as may be issued pursuant thereto and in furtherance thereof.

SEC. 20. Nothing contained in this Act is intended to apply to any position or appointment which by the Congress is required to be confirmed by, or made with, the advice and consent of the United States Senate: *Provided, however*, That the provisions of this Act shall apply to appointments under Public Law Numbered 720, Seventy-fifth Congress, third session, approved June 25, 1938.

SEC. 21. If any part of this Act shall be found to be unconstitutional, the rest of it shall be considered as in full force and effect.

Passed the House of Representatives April 17, 1944.

SOUTH TRIMBLE, *Clerk*.

The CHAIRMAN, Senator Scrugham, who is not able to be with us today, introduced a companion measure in the Senate, which is before this committee, S. 1762.

(S. 1762 follows:)

[S. 1762, 78th Cong., 2d sess.]

A BILL To give honorably discharged veterans, their widows, and the wives of disabled veterans, who themselves are not qualified, preference in employment where Federal funds are disbursed

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That this Act may be cited as the "Veterans' Preference Act of 1944".

SEC. 2. In certification for appointment, in appointment, in reinstatement, in reemployment, and in retention in civilian positions in all establishments, agencies,

bureaus, administrations, projects, and departments of the Government, permanent or temporary, and in either (a) the classified civil service; (b) the unclassified civil service; (c) any temporary or emergency establishment, agency, bureau, administration, project, and department, created by Acts of Congress or Presidential Executive order; and (d) the civil service of the District of Columbia, preference shall be given to (1) those ex-service men and women who have served in any branch of the armed forces of the United States who have established the present existence of a service-connected disability or who are receiving compensation, disability retirement benefits, or pension by reason of public laws administered by the Veterans' Administration, the War Department, or the Navy Department; (2) the wives of such service-connected disabled ex-service men as have themselves been unable to qualify for any civil-service appointment; (3) the unmarried widows of deceased ex-service men who had served in any branch of the armed forces of the United States during any war, or in any campaign or expedition (for which a campaign badge has been authorized); and (4) those honorably discharged ex-service men and women who have served in any branch of the armed forces of the United States, during any war, or in any campaign or expedition (for which a campaign badge has been authorized).

SEC. 3. In all examinations to determine the qualifications of applicants, ten points shall be added to the earned ratings of those persons included under section 2 (1), (2), and (3), and five points shall be added to the earned ratings of those persons included under section 2 (4) of this Act: *Provided*, That in examinations for the positions of guards, elevator operators, messengers, and custodians competition shall be restricted to persons entitled to preference under this Act and during the present war and for a period of five years following the termination of the present war as proclaimed by the President, or by a concurrent resolution of the Congress for such other positions as may from time to time be determined by the President.

SEC. 4. In examinations where experience is an element of qualification, time spent in the military or naval service of the United States shall be credited in a veteran's rating where his or her actual employment in a similar vocation to that for which he or she is examined was interrupted by such military or naval service. In all examinations to determine the qualifications of a veteran applicant, credit shall be given for all valuable experience, including experience gained in religious, civic, welfare, service, and organizational activities, regardless of whether any compensation was received therefor.

SEC. 5. In determining qualifications for examination, appointment, promotion, retention, transfer, or reinstatement, with respect to preference eligibles, the Civil Service Commission or other examining agency shall waive requirements as to age, height, and weight, provided any such requirement is not essential to the performance of the duties of the position for which examination is given. The Civil Service Commission or other examining agency, after giving due consideration to the recommendation of any accredited physician in the service of the United States, shall waive the physical requirements in the case of any veteran, provided such veteran is, in the opinion of the Civil Service Commission, physically able to discharge efficiently the duties of the position for which the examination is given. No educational standard will be prescribed in any civil-service examination except for such scientific, technical, or professional positions the duties of which the Civil Service Commission decides cannot be performed by a person who does not have such education.

SEC. 6. Preference eligibles shall not be subject to the provisions of the Civil Service Act concerning apportionment of appointments in the Government departments in the District of Columbia among the several States and Territories according to population, but may be required to furnish evidence of residence and domicile.

SEC. 7. The names of preference eligibles shall be entered on the appropriate registers or lists of eligibles in accordance with their respective augmented ratings, and the name of a preference eligible shall be entered ahead of all others having the same rating: *Provided*, That, except for positions in the professional and scientific services for which the entrance salary is over \$3,000 per annum, the names of all qualified preference eligibles, entitled to ten points in addition to their earned ratings shall be placed at the top of the appropriate civil-service register or employment list, in accordance with their respective augmented ratings: *Provided further*, That nothing herein shall prevent any particular class of preference eligibles being placed in a higher place on said registers or lists by existing or future Executive order or rule of the Civil Service Commission.



SEC. 8. When, in accordance with civil-service laws and rules, a nominating or appointing officer shall request certification of eligibles for appointment purposes, the Civil Service Commission shall certify, from the top of the appropriate register of eligibles, a number of names sufficient to permit the nominating or appointing officer to consider three names in connection with each vacancy. The nominating or appointing officer shall make selection for each vacancy from not more than the highest three names available for appointment on such certification, unless objection shall be made, and sustained by the Commission, to one or more of the persons certified, for any proper and adequate reason, as may be prescribed in the rules promulgated by the Civil Service Commission: *Provided further*, That an appointing officer who passes over a veteran eligible and selects a non-veteran shall file with the Civil Service Commission his reasons in writing for so doing, which shall become a part of the record of such veteran eligible, and shall be made available upon request to the veteran or his designated representative; the Civil Service Commission is directed to determine the sufficiency of such submitted reasons and, if found insufficient, shall require such appointing officer to submit more detailed information in support thereof; the findings of the Civil Service Commission as to the sufficiency or insufficiency of such reasons shall be transmitted to and considered by such appointing officer, and a copy thereof shall be sent to the veteran eligible or to his designated representative: *Provided further*, That if, upon certification, reasons deemed sufficient by the Civil Service Commission for passing over his name shall three times have been given by an appointing officer, certification of his name for appointment may thereafter be discontinued, prior notice of which shall be sent to the veteran eligible. When two or more substitutes are appointed on the same day, they shall be promoted to the regular force in the order in which their names appeared on the civil-service register from which they were originally appointed, whenever there are substitutes of the required sex who are eligible and will accept, unless such vacancies are filled by transfer or reinstatement.

SEC. 9. In the unclassified Federal, and District of Columbia, civil service, and in all other positions and employment hereinbefore referred to in (c) of section 2 hereof, the nominating or appointing officer or employing official shall make selection from the qualified applicants in accordance with the provisions of this Act.

SEC. 10. The Civil Service Commission is authorized and directed to hold an examination, during the next succeeding quarterly period, for any position to which any appointment has been made within the preceding three years, for, and upon application by any person included under section 2 (1), (2), and (3) of this Act.

SEC. 11. The Civil Service Commission is hereby authorized to promulgate appropriate rules and regulations for the administration and enforcement of the provisions of this Act and the President is authorized to promulgate such Executive orders as may extend additional preferences to veterans not herein provided.

SEC. 12. In any reduction in personnel in any civilian service of any Federal agency, competing employees shall be released in accordance with Civil Service Commission regulations, which shall give due effect to tenure of employment, military preference, length of service, and efficiency ratings: *Provided*, That the length of time spent in active service in the armed forces of the United States of each such employee shall be credited in computing length of total service: *Provided further*, That preference employees whose efficiency ratings are "good" or better shall be retained in preference to all other competing employees and that preference employees whose efficiency ratings are below "good" shall be retained in preference to competing nonpreference employees who have equal or lower efficiency ratings: *And provided further*, That when any or all of the functions of any agency are transferred to, or when any agency is replaced by, some other agency, or agencies, all preference employees in such transferring agency shall first be transferred to the replacing agency, or agencies, for employment in positions for which they are qualified, before such agency, or agencies, shall appoint additional employees from any other source for such positions.

SEC. 13. Any preference eligible who has resigned or who has been dismissed or furloughed may, at the request of any appointing officer, be certified for, and appointed to, any position for which he may be eligible in the civil service, Federal, or District of Columbia, or in any establishment, agency, bureau, administration, project, or department, temporary or permanent.

SEC. 14. No preference eligible employed in the civil service, or in any establishment, agency, bureau, administration, project, or department, indefinite or perma-



ment, hereinbefore referred to shall be discharged, suspended, furloughed without pay, reduced in rank or compensation, or debarred for future appointment except for such cause as will promote the efficiency of the service and for reasons given in writing, and the person whose discharge, suspension, furlough without pay, or reduction in rank or compensation is sought shall have at least thirty days' advance written notice (except where guilty of a crime for which a sentence of imprisonment can be imposed), stating any and all reasons, specifically and in detail, for any such proposed action; such preference eligible shall be allowed a reasonable time for answering the same personally and in writing, and for furnishing affidavits in support of such answer, and shall have the right to appeal to the Civil Service Commission from an adverse decision of the administrative officer so acting, such appeal to be made in writing within a reasonable length of time after the date of receipt of notice of such adverse decision: *Provided*, That such preference eligible shall have the right to make a personal appearance, or an appearance through a designated representative, in accordance with such reasonable rules and regulations as may be issued by the Civil Service Commission; after investigation and consideration of the evidence submitted, the Civil Service Commission shall submit its findings and recommendations to the proper administrative officer and shall send copies of same to the appellant or to his designated representative: *Provided further*, That the Civil Service Commission may declare any such preference eligible who may have been dismissed or furloughed without pay to be eligible for the provisions of section 15 hereof.

SEC. 15. Any preference eligible, who has been furloughed, suspended, or dismissed, without prejudice, shall have his name placed on all appropriate civil-service registers and/or on all employment lists, for every position for which his qualifications have been established, as maintained by the Civil Service Commission, or as shall be maintained by any agency or project of the Federal Government, or of the District of Columbia, in the order as provided in section 7 hereof, and shall then be eligible for recertification and reappointment in the order and according to the procedure as provided for in sections 7 and 8 hereof. No appointment shall be made from an examination register of eligibles when there are three or more names of preference eligibles on any appropriate reemployment list for the position to be filled.

SEC. 16. Any preference eligible who has resigned shall, upon request to the Civil Service Commission, have his name again placed on all proper civil-service registers for which he may have been qualified, in the order as provided for in section 7 hereof, and shall then be eligible for recertification and reappointment in the order, and according to the procedure, as provided for in sections 7 and 8 hereof.

SEC. 17. The term "Civil Service Commission" or "Commission" as used in this Act shall mean the present United States Civil Service Commission or anybody or person who may by law succeed to its powers and duties, or any of them, or which or who may be designated by law to perform any specific duty and possess any specific power concerning matters covered by this Act.

SEC. 18. All Acts and parts of Acts inconsistent with the provisions hereof are hereby modified to conform herewith, and this Act shall not be construed to take away from any preference eligible any rights heretofore granted to, or possessed by, him under any existing law, Executive order, civil-service rule or regulation, of any department of the Government or officer thereof.

SEC. 19. It shall be the authority and duty of the Civil Service Commission in all cases under the classified civil service to make and enforce appropriate rules and regulations to carry into full effect the provisions, intent, and purpose of this Act and such Executive orders as may be issued pursuant thereto and in furtherance thereof.

SEC. 20. Nothing contained in this Act is intended to apply to any position or appointment which by the Congress is required to be confirmed by, or made with, the advice and consent of the United States Senate: *Provided, however*, That the provisions of this Act shall apply to appointments under Public Law Numbered 720, Seventy-fifth Congress, third session, approved June 25, 1938.

SEC. 21. If any part of this Act shall be found to be unconstitutional, the rest of it shall be considered as in full force and effect.

The CHAIRMAN. I regret that Senator Scrugham cannot be here as he has for a long number of years taken a very active interest in veterans' legislation. I think it is important to note that Senator

Scrugham did introduce the companion legislation here although we will be considering the Starnes bill that has already been passed by the House. We are fortunate to have with us Mr. Starnes this morning and we would be very happy to have any statement he may desire to make.

**STATEMENT OF HON. JOE STARNES, A REPRESENTATIVE IN  
CONGRESS FROM THE STATE OF ALABAMA**

Mr. STARNES. Thank you, Mr. Chairman.

H. R. 4115 is the result of years of work by the major veterans' organizations of the country and the Civil Service Commission and the author of the bill. A series of bills was introduced with reference to veterans' preference and they were introduced in the House back in 1936 and 1937 at the request of the American Legion, Veterans of Foreign Wars, and Disabled American Veterans. At that time there was some difference of opinion between the major veterans' organizations as to the mechanics of the bill.

Senator Mead will recall we had hearings on those bills in 1938 in the House and they were exhaustive, complete hearings, and we had them again in 1940. We have been working toward the same common goal; that is, to give genuine veterans' preference to the veterans of our wars.

It is the desire of the veterans' organizations that the existing Executive orders and administrative orders giving veterans preference should be adopted by the Congress of the United States as a national policy and thus give them the sanctity of legislative approval.

In the year 1943 we came to a complete agreement—that is, the three veterans' organizations, the American Legion, Disabled American Veterans, and the Veterans of Foreign Wars, and the Civil Service Commission. As a result, I introduced then what we called in the House a clean bill, H. R. 4115, which had the complete endorsement of the groups I mentioned. In addition, the President of the United States in a letter to the Speaker of the House called on the House to take action on veterans' preference legislation and endorsed this bill by name and by number. He referred to it as a key to post-war employment of our veterans.

What it does is to give legislative sanction to existing veterans' preference, to the rules and regulations in the executive branch of the Government, and to broaden and strengthen those preferences, with the idea that when a man is selected by the country to serve in battle and give his life, if need be, for the preservation of this country and its institutions, that same man is certainly entitled to some degree of preference for positions in Government departments and agencies in serving his country in peacetime. It is a reward to a man for patriotic duties well performed; it encourages our young men and women to serve their country in an hour of need; and it makes them feel when they have given their all or offered to give their all in defense of this country and its institutions, that a grateful country will recognize their sacrifice and service when peace comes by giving them preference for service in various capacities with their Government.

There are some new provisions contained in this bill. I just want to say briefly that this bill takes away no existing veterans' preference,

either by statute or Executive order, but it does strengthen, broaden, and implements the veterans' preference policy heretofore in effect.

The first section of the bill sets forth the beneficiaries of the legislation. The House amendment of Mr. LaFollette has included the husband of a disabled wife. That is referred to on page 2, line 6, where it says "those ex-service men and women."

We bring in the women for the first time because we recognize the WACS and WAVES and SPARS and other women's organizations are part of the armed services. This is a general policy already fixed by congressional action, and we extend it in this bill.

By this legislation we grant 5 and 10 points to the earned ratings of persons taking civil-service examinations; 10 points where the applicant is a disabled ex-service man or woman and 5 points otherwise.

Section 3 has a clause which the Civil Service urged us to accept and which we were glad to accept—that is, in addition to giving these 5 or 10 points, that [reading]—

in examinations for the positions of guards, elevator operators, messengers, and custodians, competition shall be restricted to persons entitled to preference under this act as long as persons entitled to preference are available and during the present war and for a period of 5 years following the termination of the present war as proclaimed by the President or by a concurrent resolution of the Congress for such other positions as may from time to time be determined by the President.

Section 4 provides that where experience is an element of qualification time spent in the military or naval service shall be counted as experience in qualifying applicants.

Section 5, I believe, is a liberalization of the present policy, to a certain extent, in that it provides that [reading]:

examining agencies shall waive requirements as to age, height, and weight, provided any such requirement is not essential to the performance of the duties of the position for which examination is given.

It further states [reading]:

No minimum educational requirement will be prescribed in any civil-service examination except for such scientific, technical, or professional positions the duties of which the Civil Service Commission decided cannot be performed by a person who does not have such education. The Commission shall make a part of its public records its reasons for such decision.

Section 6 liberalizes the existing set-up somewhat in that it provides [reading]:

Preference eligible shall not be subject to the provisions of section 9 of the Civil Service Act concerning two or more members of family in the service, or to the provisions of section 2 of that act concerning apportionment of appointments in the Government departments in the District of Columbia among the several States and Territories according to population, but may be required to furnish evidence of residence and domicile.

One further broadening item in this provision of the act, in section 12, states [reading]:

That when any or all of the functions of any agency are transferred to, or when any agency is replaced by, some other agency, or agencies, all preference employees in the function or functions transferred or in the agency which is replaced by some other agency shall first be transferred to the replacing agency, or agencies, for employment in positions for which they are qualified, before such agency, or agencies, shall appoint additional employees from any other source for such positions.



Senator BYRD. Does that guarantee that he shall have a job? Can't he be dismissed?

Mr. STARNES. It guarantees them preference, Senator Byrd, over any other eligible or any other appointments.

Senator BYRD. Suppose you abolish the function of some of the Government agencies and then you transfer the employees to some other agencies?

**STATEMENT OF ARTHUR S. FLEMMING, COMMISSIONER, UNITED STATES CIVIL SERVICE COMMISSION**

Mr. FLEMMING. It does not guarantee a job. It simply provides, if there is a transfer of that kind, that the agency to which the functions have been transferred cannot go out into the open labor market to recruit people until they have placed all preference eligibles who are qualified for positions in that agency.

Mr. STARNES. That is one principle the veterans' organizations have fought for most vigorously. Oftentimes they have found agencies which have transferred or abolished their functions entirely and a new agency was set up in its place. The new agency then would leave the veterans in the cold and go out into the open labor market and recruit new appointees. It is a device which the veterans claim has been used against them to eliminate them from Government appointments, by simply abolishing the function or transfer the function and leaving the personnel out in the cold. That is one practice of ignoring veterans' preference.

H. R. 4115 provides for quarterly examinations, reratings, which gives an opportunity for veterans to be advanced on eligible lists.

There are other provisions which Commissioner Flemming will explain in detail. He is better fitted to tell you of these new provisions and the mechanics by which they will be administered than I, therefore I yield to him at this time.

The veterans' organizations are represented here this morning and I am sure they will be given an opportunity to be heard. This is one of their major pieces of legislation for which they have worked for more than 20 years. I want to say to you this bill has been thoroughly considered time and again in the House Civil Service Committee. It has been considered in the House and passed by a record vote of 312 to 1 and we sincerely hope that the chairman and the committee will report this bill with whatever amendments they feel in their good judgment are necessary. I trust that it will be reported to the Senate for early action because we are united, the Civil Service Commission, the three major veterans' organizations, and the House, with but one dissenting vote. The President has asked for the passage of this act.

We hope that you will give this bill your consideration and take proper action upon it as quickly as possible.

The CHAIRMAN. Thank you very much, Mr. Starnes. The chairman would like to ask you one question.

In California, my attention was directed to a few cases in the Internal Revenue Service in which men who had left the Service in some of the higher categories would have received appointments to some higher



position if they had not been called into the military service. But, instead, those appointments were given to other persons who did not go into the military service.

Now, has there been any discussion in your committee as to whether any relief could be provided for a soldier who would have been appointed to a better position in civil service if he had not gone into the war?

Mr. STARNES. There is one provision in this bill which states his time in the military service will count in establishing seniority and shall be considered as though he were actually in civil service.

Mr. Flemming can give you more as to the mechanics of the matter.

The CHAIRMAN. All right, Mr. Flemming, would you answer my question?

Mr. FLEMMING. Senator Downey, of course that problem is covered in the Selective Training and Service Act, where it provides that a person who left a Federal position to go into the armed forces, other than a temporary position, is entitled to come back to his old job or to a job of like seniority, status, and pay, provided he is still qualified to perform the duties of such a position. But the Congress in enacting the Selective Training and Service Act did not make provision for the kind of situation that you suggest.

There are departments and agencies which administratively have made such provision. If my information is correct, the Post Office Department, for example, in making promotions takes into consideration those who have entered the armed services.

Now, I have not checked on that, but I do know there are other Departments that follow that as an administrative practice.

The legal requirements are, however, that he shall be returned to his old job or to a job of like seniority status and pay.

The CHAIRMAN. Would it be your suggestion that situation best be left to administrative handling rather than to attempt to remedy it by congressional enactment?

Mr. FLEMMING. I would like to consider that, Senator, because so much has gone over the dam the last 3 years in connection with problems of that kind. I do not know whether you could reconstruct a lot of the actions that have already taken place. But, we would be very glad to give consideration to it and give you a report on it.

The CHAIRMAN. Thank you very much, Mr. Flemming.

Senator Byrd, did you care to ask Mr. Starnes any questions?

Senator BYRD. No.

The CHAIRMAN. Senator Mead?

Senator MEAD. No; he has explained it thoroughly.

The CHAIRMAN. Mr. Starnes, the committee is very much obliged to you. The chairman does agree with you we ought to do everything we can to expedite this bill and pass it before we recess and I think we should be able to do so.

Mr. Flemming is going to explain the bill at some length, but we have Mr. La Follette here with us from the House, who has suggested one or two amendments.

**STATEMENT OF HON. CHARLES M. LaFOLLETTE, A MEMBER OF  
CONGRESS FROM THE STATE OF INDIANA**

Mr. LaFOLLETTE. I want to explain several amendments that went into the House bill. They were passed by the House and were not in the bill as introduced by Mr. Starnes.

Mr. Chairman and members of the committee, I am a member of the House Committee on Civil Service. When this bill came before us I noted that in subsections 1 and 4 of section 2, which is on pages 2 and 3 of the bill, it did not provide as now stated for both ex-servicemen and ex-servicewomen. They give equal preference to ex-servicewomen as well as ex-servicemen. It now reads:

(4) those honorably discharged ex-service men and women who have served in any branch of the armed forces of the United States, during any war, or in any campaign or expedition (for which a campaign badge has been authorized).

Subsection 2 as originally submitted, I think, is simply a legislative enactment of existing conditions of what has been the policy as to veterans and in a case where there is a disabled serviceman, that his wife could take an examination and get the same preference that he would get.

If I may jump down to subsection 3, it has always been the policy where a veteran died and left a widow, that she was entitled to certain preferences by virtue of being his widow.

It seemed to me the theory which underlies that practice and the inclusion of women in subsections 1 and 4 is that the Government extends this preference to the person in service without regard to sex. Therefore, I thought it was fair and I still think it is fair, that the ex-service women should have the same benefits. In other words, a woman comes out of this war and is disabled. Under section 2, as stated, I feel that woman should be entitled to the same sense of security in marrying that a disabled ex-service man has.

Really what we do for these ex-servicemen by allowing their wives to take the examination is to let them, through their wives, get some preference.

Now, if a girl is injured or develops a disability that is service-connected after she comes out, I think that woman is entitled—of course, she volunteered—but we are using them on a good many fronts. I think they are entitled to the same consideration. You cannot help that woman except through her husband.

May I just interpolate a minute?

I did this rather rapidly and I would have no objection in so far as subsection 2 is concerned if the committee wished to tighten that up some and state that the husbands of ex-service women who are disabled shall have preference only as long as they were supporting these ex-service women. That would be all right. I felt it was implied, but perhaps that should be added as a positive statement. However, I think that those women's husbands shall be permitted to have preference in order that they sustain the women.

I am not concerned about giving men who marry disabled women preference, but suppose a girl is disabled. It is entirely possible that she will need some medical attention. If she is so disabled she cannot pass an examination, well, then, she is seriously disabled. Why

shouldn't that woman have the benefit of feeling that this Government recognizes her service in time of war by some measure of security so that if her husband cannot get a job in private enterprise in order to keep her and provide medical care and attention, that we give to her husband such a preference? Of course, I presume he is supporting her. If you wish to write that in in express language, well, perhaps it should go in.

I am going to, in a sense, set up straw men and knock them down. These amendments of mine were accepted unanimously in the Civil Service Committee. Mr. Starnes did not object to them. Before I offered them, I wrote the Veterans of Foreign Wars, Mr. Ketchum, and I also wrote Mr. Sullivan, of the American Legion. I did not write Mr. Rice purely through oversight, because I had forgotten his organization was also one of the sponsors. I told them I was going to suggest these amendments. They were both busy in the Senate at that time on hearings on the G. I. bill, which was then in the Senate and before the Senate committee.

I did not get to talk to them before I submitted these amendments. After I submitted them I again wrote them and gave them the amendments and gave them my reasons. I did not want in any way to be unfair. I am a member of the American Legion and Veterans of Foreign Wars.

I received a letter from Mr. Ketchum disapproving of my amendments. I received no letter from Mr. Sullivan. I received a copy of a letter Mr. Rice sent to Mr. Ramspeck in which he disapproved the amendments. Of course, that disapproval came after the committee had acted.

I acted in good faith in attempting to reach them and it was not their fault they did not reach me before; it was something that just could not be done.

I explained the amendments on the floor of the House and the House accepted them.

Let me go back a minute. I have heard it said, suppose a woman comes home and she marries some fellow, a bad fellow, an IV-F who did not serve in the war, and yet he would get preference. Well, let us go back a minute. Actually, he does not get the preference; I am trying to give it to his wife. But, can we presuppose that every girl that a soldier marries necessarily on the home front makes any real contribution to the war effort? We know, as a matter of fact, that unfortunately some women who have married soldiers are little strumpets. I think most of the wives of these soldiers are grand. But, for us to object to whom a woman might marry is to presuppose that every girl that an ex-serviceman marries is a perfect woman and runs to the blood donor station every month and is tremendously interested. I do not think that is true.

I do not see why we should not give an ex-servicewoman the right to choose her husband, and I think they choose better than the men do. I do not think these women are as apt to marry "no good" men as we men are apt to marry "no good" women.

The CHAIRMAN. Mr. LaFollette, as I understand, this amendment of yours would place servicewomen on a parity with servicemen?



Mr. LAFOLLETTE. By operating through their husbands.

The CHAIRMAN. Nothing more or less?

Mr. LAFOLLETTE. That is what I feel it does, and I feel I am on solid ground.

The CHAIRMAN. Do you expect there will be opposition to your amendment here this morning?

Mr. LAFOLLETTE. As I told you, the Veterans of Foreign Wars object to my amendments.

The CHAIRMAN. We might make inquiry here. Will there be objection made before this committee?

A MEMBER OF THE AUDIENCE. Yes, sir.

Mr. LAFOLLETTE. That is why I am trying to give the reason for these amendments.

I would not quarrel with the veterans' organizations, but when I think I am right I will not give ground, and I believe I am on solid ground here.

Now, if you wish to tighten that up by saying, as long as these men are supporting these women they shall get preference, I think perhaps that should be done. I think it is implied now.

The next thing I did, in subsection 3, where we provided for preference for the widows of deceased ex-servicemen, and it makes no difference whether they were disabled or not, has been broadened to include also deceased ex-servicewomen, also. Of course, that man renders service to the country and if he dies he should have some assurance his widow, who may need help from the Government, will get a Government job and he can pass on that service to the widow. I mean that the benefit of his service in the armed forces will be given to her in the form of preference.

Now, how about these women? I provide in the amendment that there shall be a preference granted to a widower of a deceased ex-servicewoman so long as he supports her children under the age of 18, the children of her body, under 18 years of age. I think there again the concern is as to the servicewoman, not the concern over the man she married. She bears these children and she has a right to feel if she has borne these children and has served in this war, that this Government will say to whoever survives her as her husband, if you support these children until they become 18, we will give you this preference and thus assure that ex-servicewoman.

Now, it does not necessarily mean that the widower must be the father of the children. An ex-servicewoman might marry, have children, the children's father dies, she might marry a second man, and then she might die. But if that second husband, the foster father of her children, supports those children until they become 18, I think that they should be given that preference, and I think that woman should have that assurance. I think that is fair, and again I say I do not give ground on it, because somebody opposes me. I will not do that if I think I am right.

Now, there was some inference, I thought, in Mr. Rice's letter to Mr. Ramspeck that in case of disabled women getting these preferences, there might be a dilution of the rights of disabled men. I thought possibly an answer to that might be helpful, and I have some figures with reference to what actually the condition is today, and what we have in the services at this time.



I have a letter from General Hines, a copy of which I would like to include in the record, which shows that of all the disabled people who are receiving pensions from the Spanish-American War, there are 406 women, a total of 0.3 percent of all the pensioners. Of the people serving in the World War, there is shown, service-connected women, 2,982, or a total of 0.9 percent, non-service-connected disabilities, 1,228; or 1.5 percent, and in the Regular Establishment, 67, or 0.2 percent.

Of course, now we have more women in service, but I have some figures that will illustrate that the percentage will not be higher. In other words, in fairness to these women, if we should grant them a preference, and I mean through them to their husbands, I do not think they are going to dilute the situation so as to hurt the disabled veteran. These percentages I will give bear out that fact.

Here are the figures from Captain Koch, United States Navy, special assistant to Chief of Naval Personnel. At the present time, there are 62,907 women in the Navy, 14,207 in the Marine Corps, and 7,444 in the Coast Guard. Roughly, that totals about 85,000. I do not know the figures for the Navy, but I think there are around two, two and a half, or three million naval personnel. If I am correct, that is roughly a percentage of 2-percent women. I do not believe that that is such a large percentage that by granting these women these preferences you will hurt the disabled men in any way, even if you presuppose all these women are going to be disabled.

Now, the Army figures are marked restricted, and I think perhaps in respect to the manner in which they were marked I ought to give them to the committee in executive session and they should not be put in the record unless the Army removes the restriction. However, they are here for the committee to examine.

The CHAIRMAN. We will use them that way.

You may also at this point incorporate into the record the letters referred to by Mr. LaFollette.

(The letters referred to follow :)

VETERANS' ADMINISTRATION,  
Washington, April 11, 1944.

HON. CHARLES M. LAFOLLETTE,  
House of Representatives, Washington, D. C.

MY DEAR MR. LAFOLLETTE: Reference is made to your letter of April 6, 1944, requesting information as to the number and percent of women serving in the armed forces who have become disabled and are eligible to receive compensation or pension.

The following shows the number of women on the compensation or pension rolls as of February 29, 1944, and the percent of women to the total on the rolls:

|                            | Number | Percent of total |
|----------------------------|--------|------------------|
| Spanish-American War.....  | 406    | 0.3              |
| World War I:               |        |                  |
| Service-connected.....     | 2,982  | .9               |
| Non-service-connected..... | 1,228  | 1.5              |
| Regular Establishment..... | 67     | .2               |

Current figures are not readily available as to the number of women disabled as a result of service in World War II who are receiving pensions for such service.

Very truly yours,

FRANK T. HINES, Administrator.

NAVY DEPARTMENT,  
BUREAU OF NAVAL PERSONNEL,  
Washington, D. C., April 12, 1944.

Hon. CHARLES M. LAFOLLETTE,  
*House of Representatives, Washington, D. C.*

MY DEAR MR. LAFOLLETTE: In response to your letter of April 7 requesting the total number of women who are serving as members of the United States Navy, including Navy Nurse Corps, United States Marine Corps, and United States Coast Guard, the following figures are submitted:

|                         | As of Mar. 31, 1944 |                  |                  |
|-------------------------|---------------------|------------------|------------------|
|                         | Navy                | Marine Corps     | Coast Guard      |
| Officers.....           | 7,058               | 729              | 622              |
| Officer candidates..... | 348                 | ( <sup>1</sup> ) | ( <sup>1</sup> ) |
| Enlisted.....           | 47,676              | 13,478           | 6,822            |
| Nurses.....             | 7,825               |                  |                  |
| Total.....              | 62,907              | 14,207           | 7,444            |

<sup>1</sup> Included in enlisted.

Sincerely yours,

R. A. KOCH,  
*Captain, United States Navy (Retired).*  
*Special Assistant to Chief of Naval Personnel.*

MR. LAFOLLETTE. I am trying to illustrate here that the objections of the Disabled Veterans, that is to say, the veterans' organization, was made without serious consideration to actual figures. I do not think that is an objection they need be afraid of. Even if that were true, these women are veterans also and my provisions, while they operate through the husbands in the case of disabled veterans only, do grant preference as is granted to all disabled veterans.

I would just add one personal touch. I do not have a daughter in the service, I have one daughter who is 16 years old. I do not have any female relatives in the service. But I was brought up by my mother, grandmother, and my old maid aunt and I know the struggle my mother had to keep me and I think that I know something about women's love for their children and women's struggles. I do not believe I am asking anything but what is fair for the women who are in the service by offering these amendments.

I thank you, Senator, and I will be very glad to answer any questions.

The CHAIRMAN. Senator Byrd, have you any questions?

Senator BYRD. No.

The CHAIRMAN. Senator Mead?

Senator MEAD. No.

The CHAIRMAN. Thank you very much.

We are fortunate to have with us Commissioner Flemming and we will be very happy to have him now advise the committee as he may think best for our edification.

MR. FLEMMING. Mr. Chairman, members of the committee:

The Civil Service Commission was requested by the Chairman to report on H. R. 4115, as passed by the House of Representatives. We have submitted a favorable report, suggesting one minor amendment, to which I will refer a little later.

I think possibly in understanding the provisions of H. R. 4115 it is helpful to realize that there have been preference laws on the statute books dating back to 1865. From 1865 to 1919, by law, the preference was limited to persons who were honorably discharged by reason of disability resulting from wounds or sickness incurred in line of duty.

On March 3, 1919, the Congress in considering the preference problems arising out of the last war extended the preference to all honorably discharged veterans and their widows. Then, a few months afterwards, namely, July 11, 1919, the Congress added to that the wives of injured veterans, whose husbands were not qualified to hold such positions.

Following the passage of the 1919 laws, there have been a series of executive orders, spelling out just what preference means, particularly in the classified service. I will refer to those executive orders as I discuss the various provisions of the bill.

I might say that the provisions of March 3, 1919, and July 11, 1919, laws were brought together and incorporated in a law passed in 1929.

I do not think it is necessary for me to discuss any further section 2. That has been discussed by Congressman Starnes and also Congressman LaFollette. Your attention has already been called to the changes made in existing law by the proposed section 2.

Senator BYRD. Mr. Flemming, at the bottom of section 2, it states "during any war, or in any campaign or expedition (for which a campaign badge has been authorized)." Is that existing law?

Mr. FLEMING. No; there is one change there. Under existing law the so-called peacetime veteran receives preference. Under section 2 of H. R. 4115 he would not receive it in the future but section 18 which preserves any rights which have already been granted to peacetime veterans.

Senator BYRD. Is that language "during any war or in any campaign or expedition" new language?

Mr. FLEMING. That is new language.

Senator BYRD. Exactly what does that mean?

Mr. FLEMING. I think I can answer that best by giving you an illustration.

Congressman Starnes, you undoubtedly have a number of illustrations in mind. But, the expedition into Mexico, for example, was an expedition for which, as I understand it, a campaign badge was authorized. There were other similar expeditions for which a campaign badge was authorized, but where there was no actual declaration of war.

Senator BYRD. There would not be many instances of that sort.

Mr. FLEMING. No; not very many persons would be involved, in all probability.

Turning to section 3, the first part of which deals with the adding of 10 points to the earned ratings of those who are entitled to disability preference, and the adding of 5 points to the earned ratings of those persons who are not entitled to disability preference but who are veterans, I think it might be helpful to review the practice of the Federal Government in that respect over a period of years.

Beginning back in 1895, the passing grade by regulation for disabled veterans, and they were the only persons entitled to preference at that



time, was 65 and the provision also was incorporated in that regulation that their names should be placed at the top of the register.

Incidentally, in considering this first part of section 3, I think it is helpful to consider the first part of section 7 along with it. Section 7 provides the names of preference eligibles shall be entered on the appropriate registers or lists of eligibles in accordance with their respective augmented ratings, and the names of preference eligibles shall be entered ahead of all others of the same rating provided, except for positions in the professional and scientific service for which the entrance salary is over \$3,000 per annum, the names of all qualified preference eligibles, entitled to 10 points in addition to their earned ratings, shall be placed at the top of the appropriate civil-service register or employment list, in accordance with their respective augmented ratings.

From 1919, that is, after the passage of laws growing out of World War I through 1923, the regulations provided that for a veteran, either a disabled or nondisabled veteran, the passing grade should be regarded as 65 and all veterans, disabled and nondisabled veterans, were placed at the top of the appropriate civil service register.

Then, by executive order of March 3, 1923, it was provided that 10 points should be added to the earned ratings of a person with disability preference, and that 5 points should be added to the earned rating of other veterans.

But then, under an executive order signed by President Hoover on March 12, 1929, the Commission returned to the practice of placing disabled veterans at the head of the list, that is, they continued to get 10 points and, in addition, were placed at the head of the list.

Then, the executive order of April 24, 1931 required that a person in order to be given a 10-point preference must establish the present existence of a service-connected disability, which is the language now incorporated in section 2 of H. R. 4115. Thus it becomes clear that the principle of having a lower passing grade for the person entitled to preference is a principle which has been in operation in the Federal service since 1895, or for approximately 50 years. Also, at various times during that 50-year period there has been provision for, at one point, all veterans going to the top of the list, and then later this was changed so that only a 10-point veteran went to the top of the list.

The CHAIRMAN. Mr. Flemming, may the chairman ask this? Is there any difference in the rights of the injured and noninjured servicemen, the 5- and 10-point difference in rating? Is that the only difference in their rights?

Mr. FLEMMING. The addition of the 5 and 10 points, and then the provision that the person entitled to disability preference should be placed on top of the list.

The CHAIRMAN. That does not apply in the case of the nondisabled veteran?

Mr. FLEMMING. In the case of a person who gets 5 points, it does not.

The CHAIRMAN. Which makes, of course, a very great difference, doesn't it?

Mr. FLEMMING. That is right.

In effect, as far as disabled veterans are concerned, they have an absolute preference. After his 10 points have been added and that



10 points brings him up to the passing grade, he goes to the top of the list among with other disabled veterans and they are arranged in order of their augmented ratings. Therefore, your disabled veteran in effect gets an absolute preference on that particular eligible list.

The CHAIRMAN. Provided only he can pass the examination with the aid of the 10 percent?

Mr. FLEMMING. That is right; the 10 points is added to his earned rating.

Now, the second part of section 3 is, of course, new.

As Congressman Starnes has pointed out, it provides [reading]:

In examinations for the positions of guards, elevator operators, messengers and custodians competition shall be restricted to persons entitled to preference under this Act.

That is the first part of it. That, of course, would remain in effect as long as this particular law remained in effect. But then it goes on and provides [reading]:

during the present war and for a period of 5 years following the termination of the present war as proclaimed by the President or by a concurrent resolution of the Congress for such other positions as may from time to time be determined by the President.

Therefore, that can be a flexible list. In other words, positions may be on the list for a period of time, and then because of the general labor-market conditions in that particular occupational area they might be taken off. Likewise, it provides for a review of this particular part of the policy set forth in this proposed law by the Congress at the end of 5 years following the termination of the war.

The CHAIRMAN. Mr. Flemming, to refresh my own recollection, may I inquire if you stated to this committee previously that practically all the positions that are described in this section 3 are presently filled by veterans of wars?

Mr. FLEMMING. Let me take those four types of positions.

As far as guards are concerned, that is correct. I think virtually all the guards in the public buildings are veterans and probably in a good many instances are disabled veterans because of the fact that the Commission over a long period of years has not announced a new examination for guards. We have continuously reopened that examination for disabled veterans.

Now, there may have been a period back, let us say 15 or 20 years, where some came in, possibly quite a number came in who were not veterans. Let me put it this way, over a period of certainly 5 to 10 years, generally speaking, a large percentage of the persons who have been on our eligible lists for the position of guard have been disabled veterans.

Of course, under present conditions with the present shortages in the labor market, that is not necessarily true. But the persons being appointed now receive only "war service appointments."

As far as elevator operators are concerned, it is not true. As far as these messengers are concerned, it is not true, nor do I think it is true as far as custodians are concerned.

In other words, as far as the present situation is concerned, the guard positions are the only positions where you would find a large number of veterans.

The CHAIRMAN. But would there be a substantial proportion of these other positions filled by veterans?

Mr. FLEMMING. That is just an off-the-cuff opinion, but I do not think so.

Senator MEAD. They have not been preempted. It is just a case of following the ordinary routine of selecting those on the civil-service lists.

Mr. FLEMMING. That is right.

Senator MEAD. Because of the large turn-over in the guard personnel, I am of the opinion that a very large percentage are not ex-servicemen.

Mr. FLEMMING. That may be true because of the turn-over that we have had, particularly during the last 3 or 4 years.

Senator MEAD. Within the last 2 years we have heard the supervisory officials in charge of our guards and they told us it was quite impossible to keep on recruiting proper personnel.

The CHAIRMAN. Let me ask you this: Looking forward to the future of this, after this war is over, we would expect very rapidly all these positions would be preempted by veterans, wouldn't we?

Mr. FLEMMING. That is right. Of course, you notice the proviso in there, as long as persons entitled to preference are available, all certifications to these positions would be certifications of veterans. To put it another way, for these particular positions it gives veterans an absolute preference.

The CHAIRMAN. I am going to go back to the question I asked you last time, which you did not answer because you felt the situation did not exist.

How many persons now holding positions under these categories will probably lose their jobs because of the returning veterans who have an absolute preference?

Mr. FLEMMING. Now, wait a minute, we have two problems here.

You are talking now about the returning servicemen, a problem which is not covered in this act at all.

The CHAIRMAN. No; but that will certainly augment the number. You must take all the persons who qualify under this section, including the large numbers who will return. When I asked that question before, you said it would not make very much difference because all these persons are largely veterans now, that is, all who fill these positions are veterans now.

Mr. FLEMMING. No.

The CHAIRMAN. That is how I understood you; I may have misunderstood you.

Mr. FLEMMING. That was a misunderstanding, Senator, because of this fact, that of course persons who left any of these jobs and entered the armed forces are entitled to come back to them, but a person who did not leave one of these jobs, but who has gone into the armed forces and then applies for one of these jobs, is not given the right under this act to force existing personnel out. Positions now filled by war service appointees, however, will become vacant and could only be filled as a result of a competitive examination.

The CHAIRMAN. Mr. Flemming, I am entirely sympathetic with this provision and I am for it, but just as a matter of information, would you have any idea how many people who do not have veteran status will probably lose their jobs in this category or these categories during the next years? Do you have any idea of the magnitude?

Mr. FLEMMING. It would be absolutely impossible to give you an estimate, as applied to these positions. I can give you a general answer which applies to the service as a whole. Since March 16, 1942, all persons recruited for the Federal service have been given war service appointments, appointments for the duration of the war and a period of 6 months thereafter, and such of these positions as remain in the post-war period will be thrown open to competition and the incumbents, if they desire to stay in, will have to compete with returning veterans. Whether they remain or not depends upon whether or not they come out on top in that competition.

That is the over-all picture.

The CHAIRMAN. Senator Byrd, you are an expert on this subject. If you have any comments or information, we would appreciate it.

Senator BYRD. I am trying to get all the information I can.

Mr. FLEMING. As far as the last part of this provision is concerned, it gives the President authority to add to this list from time to time during the war period and for a period of 5 years after the war. To a certain extent it takes a leaf out of the experience of Great Britain following the last war in connection with the handling of the same problem. The Civil Service Commission, however, is very much in favor of this proviso.

Now, going to section 4, where it provides:

In examinations where experience is an element of qualification, time spent in the military or naval service of the United States shall be credited in a veteran's rating—

that has been the practice for the last 21 years and that simply reincorporates what is already law.

The last sentence is new:

In all examinations to determine the qualifications of a veteran applicant, credit shall be given for all valuable experience, including experience gained in religious, civic, welfare, service, and organizational activities, regardless of whether any compensation was received therefor.

It has been the usual practice where there is an experience requirement in an examination to require that the person must have been given compensation for the experience. This provides otherwise.

The CHAIRMAN. That in reality is a very far-reaching and important clause to assist the veteran.

Mr. FLEMING. That is right, to assist the veteran, and also it gives us a chance to recognize very fine types of voluntary service that have been rendered during the war by citizens of the country.

Section 5 provides [reading]:

In determining qualifications for examination, appointment, promotion, retention, transfer, or reinstatement, with respect to preference eligibles, the Civil Service Commission or other examining agency shall waive requirements as to age, height, and weight \* \* \*

That part of the section which refers to age has been the practice since 1884. There has been a gradual trend in the direction, also, of extending the same principle in connection with height and weight requirements.

Going to the next sentence, it provides:

The Civil Service Commission or other examining agency, after giving due consideration to the recommendation of any accredited physician in the service of the United States, shall waive the physical requirements in the case of any veteran, provided such veteran is, in the opinion of the Civil Service Commission or



other examining agency, physically able to discharge efficiently the duties of the position for which the examination is given.

That principle has been in effect since 1923 or for a period of about 21 years.

Senator LANGER. I wonder why it must be a physician in the service of the United States. It might compel a young fellow to go 400 or 500 miles to find such a doctor out west.

Mr. FLEMMING. Frankly, Senator, I do not know what the legislative history of that is. I think your point is well taken.

Mr. STARNES. I think the veterans raised the same question, as to why not submit the statement of any reputable physician.

Mr. FLEMMING. I will be glad to check on that and make a report.

The CHAIRMAN. Thank you very much, Senator Langer, for calling it to our attention.

Mr. FLEMMING. The last part is new insofar as statutory language is concerned. [Reading:]

No minimum educational requirement will be prescribed in any civil-service examination except for such scientific, technical, or professional positions the duties of which the Civil Service Commission decides cannot be performed by a person who does not have such education. The Commission shall make a part of its public records its reasons for such decision.

Although this is new insofar as statutory language is concerned, it is not inconsistent with present practice.

Going to section 6, it provides [reading]:

Preference eligibles shall not be subject to the provisions of section 9 of the Civil Service Act concerning two or more members of family in the service, or to the provisions of section 2 of that act concerning apportionment of appointments in the Government departments in the District of Columbia among the several States and Territories according to population, but may be required to furnish evidence of residence and domicile.

The first part of the section is new but the second part has been the practice for about 50 years.

All of section 7 has been discussed in connection with section 3.

Section 8 is a very important and very interesting section.

It provides [reading]:

When a nominating or appointing officer shall request certification of eligibles for appointment purposes, the Civil Service Commission shall certify, from the top of the appropriate register of eligibles, a number of names sufficient to permit the nominating or appointing officer to consider at least three names in connection with each vacancy. The nominating or appointing officer shall make selection for each vacancy from not more than the highest three names available for appointment of such certification, unless objection shall be made, and sustained by the Commission \* \* \*.

That writes into law what has been a part of civil-service rules since 1885, but it is the first time it has been written into law.

The CHAIRMAN. In what cases does that apply now, Mr. Flemming?

Mr. FLEMMING. Under the normal rules and regulations of the Civil Service Commission it applies to all positions that are part of the classified or competitive civil service. At the present time we are operating under war service regulations and some of the provisions are more liberal than this particular provision. But the persons who are appointed under those liberalized war service regulations do not receive a civil-service status; they are simply given a war service appointment.



Then, moving on, we come to a very important proviso [reading]:

That an appointing officer who passes over a veteran eligible and selects a nonveteran shall file with the Civil Service Commission his reasons in writing for so doing, which shall become a part of the record of such veteran eligible \* \* \*.

Up to that point, a similar rule has been in effect since April 24, 1931. From there on it is new [reading]:

and shall be made available upon request to the veteran or his designated representative; \* \* \*.

That is new, and also this [reading]:

the Civil Service Commission is directed to determine the sufficiency of such submitted reasons and, if found insufficient, shall require such appointing officer to submit more detailed information in support thereof; the findings of the Civil Service Commission as to the sufficiency or insufficiency of such reasons shall be transmitted to and considered by such appointing officer, and a copy thereof shall be sent to the veteran eligible or to his designated representative upon request therefor.

Now, you will note that the appointing officer does not have to follow our decision as to sufficiency or insufficiency of the reasons given. Of course, it is clear that under the Constitution a requirement that he would be compelled to follow our decision would probably be regarded as unconstitutional because the appointing authority rests with the heads of the departments and agencies, and you cannot, therefore, completely eliminate their discretion.

However, under this proviso, it is necessary for the Civil Service Commission to make a finding as to the sufficiency or insufficiency of the reasons given by the appointing officer for passing over a veteran. It means in effect that the appointing officer cannot fill that job until the Civil Service Commission has had the opportunity of determining the sufficiency or insufficiency of his reasons. You will note that the language here says that the appointing officer must give consideration to our finding.

The CHAIRMAN. Would this apply in the case of appointment of postmasters?

Mr. FLEMMING. Yes, sir.

The CHAIRMAN. Would that be the most important field in which it would operate?

Mr. FLEMMING. Well, Senator, that would be a very important field. I do not know whether I should classify it as the most important, but it certainly would be one of the most important fields.

Senator LANGER. Wouldn't this repeal the law that a veteran has a rating of 10 points added?

Mr. FLEMMING. No; this does not repeal anything.

Senator LANGER. That would be the implication.

Mr. FLEMMING. Senator Downey's question, Senator Langer, relates to section 20, the next in the last section of the bill, which says [reading]:

Nothing contained in this Act is intended to apply to any position or appointment which by the Congress is required to be confirmed by, or made with, the advice and consent of the United States Senate; *Provided, however,* That the provisions of this Act shall apply to appointments under Public Law Numbered 720.

That is the Ramspeck-O'Mahoney postmaster law. Therefore, all provisions of this bill will apply to the appointment of postmasters.

Senator BYRD. What about carriers?

Mr. FLEMMING. The same.

Senator LANGER. Under the present post office law, the veteran has a preference by a certain number of points.

Mr. FLEMMING. This likewise would provide for it.

Senator LANGER. Where?

Mr. FLEMMING. That goes back, Senator Langer, to section 3, where provision has been made for adding 5 points and 10 points in the case of a disabled veteran and then section 7 also provides for the order of certification.

Then, the next provision in this section is [reading]:

that if, upon certification, reasons deemed sufficient by the Civil Service Commission for passing over his name shall three times have been given by an appointing officer, certification of his name for appointment may thereafter be discontinued, prior notice of which shall be sent to the veteran eligible.

Senator LANGER. Pardon me, but I would like to go back to 3. It is true that you have there that a 5- and 10-point rating should be added. However, you do not add that or repeat that on page 6 and that section being later than section 3, it would be repealed by implication.

✓ Mr. FLEMMING. No, Senator Langer. I think the bill is so worded that section 3 is controlling.

Mr. STARNES. Absolutely.

✓ Mr. FLEMMING. As far as all positions subject to this bill are concerned, section 3 controls the whole bill.

Senator LANGER. What would be the objection to repeating that in lines 5 and 6? It says on line 5 [reading]:

The nominating or appointing officer shall make selection for each vacancy from not more than the highest three names available for appointment \* \* \*.

Mr. FLEMMING. Senator, there are various stages to this procedure.

In the first stage, the person takes the examination. Now, section-3 provides that, if he is a preference eligible then he will have either 5 or 10 points, as the case may be, added to his earned rating. Section 7 then tells the Civil Service Commission how it shall arrange the preference eligibles on the list.

This section that we are now discussing then tells the appointing officer what he must do after names are certified from the Civil Service Commission.

Senator LANGER. You do not repeat the 5 and 10 points preference there.

Mr. FLEMMING. By that time the 5 and 10 points preference has been applied. By the time names are certified the 5 and 10 points have been added.

Senator LANGER. You still have the 3 highest names regardless of whether there is 5 or 10 points added.

Suppose a veteran gets 90 and you add 5, and he has 95, and the nearest fellow to him gets 80, and another fellow gets 75. You could still take the fellow with the 80 rating.

Mr. FLEMMING. Now, that is just what this section is designed to get at. This section says, assuming there is one veteran, and I am taking your illustration, and the appointing officer says he is going to pass over the veteran. Before he can do that he has to state his reason for passing over that veteran, and then it says that the Civil

Service Commission must make an inquiry to determine whether or not the reasons given by the appointing officer are sufficient, and it likewise says to the appointing officer that he cannot fill that job until he obtains a ruling from the Civil Service Commission as to the sufficiency or insufficiency of the reasons.

Let us assume that the Commission rules that the reasons for passing over the veteran are not adequate. Then it is true that he could ignore that decision and go ahead and appoint the nonveteran.

I know that those who worked on the framing of this bill went into that problem very carefully and they are all convinced that you cannot go any further than that. If you go any further than that, you are then telling the appointing officer that he must pick John Jones, and you thereby take away all of his discretion. Under the Constitution, the appointing authority in the Federal Government rests with the head of the department or agency.

Senator LANGER. You are going to get the same results you have now.

Veterans of my State have been passed over time and time again in post-office appointments.

Mr. FLEMMING. Senator, I do not think we will have the same result. There are a number of interesting clauses here. One provides that the veteran or his designated representative is entitled to know what reasons the appointing officer has given. Also, the veteran or his designated representative is entitled to know what the Civil Service Commission's decision is.

Senator LANGER. I will give you an example of what happened in my State.

About 2 weeks ago a case came up where a veteran got a 95 rating and the other two were below 80. The only reason they gave was that in 1937 and 1938 his rating was 60 and the following year 61, but in 1940 he had a rating of 95. The postal inspector came around and yet Mr. Walker would not reappoint him.

Mr. FLEMMING. Let us assume this law was in effect and let us consider your case.

It would then be necessary for the Commission to pass on the reasons given for passing over the veteran. We would have to make a ruling as to whether those reasons were sufficient or insufficient. We would have to provide a copy of that decision to the veteran or his designated representative.

Beyond that we cannot go. As I understand it, it is the judgment of a good many constitutional lawyers that beyond that the Congress cannot go because of the fact that you would take away completely the appointing officer's discretion.

Senator LANGER. Why shouldn't it be taken away if the serviceman has a 95 rating?

Mr. FLEMMING. Because, Senator, the Constitution says the authority rests with the head of the department or agency, and if you say to the head of a department or agency you must pick Joe Jones and you must put Joe Jones on this particular job, you have taken away his authority. His discretion has been completely wiped out.

Senator LANGER. You do not say that; you say he shall appoint the fellow with the highest mark. What is wrong about that?

Mr. FLEMMING. That is the same thing.



In the early days of Civil Service, there was a ruling of the Attorney General to the effect that neither Congress nor the President can say to the head of an agency, you have got to pick the No. 1 man. If you say that to him, you then wipe out his discretion. However, you can say to him, you have got to pick one out of three, because then he still has some discretion which he can exercise.

This section, in our judgment, is an improvement over existing practice.

Senator LANGER. In your legal examiner's bill you will then pick a man out of a whole long list. Why don't you pick from the top, too?

Mr. FLEMMING. The board of legal examiners' bill would be inconsistent with this provision.

Insofar as substituting two for three, I suppose legally that could be done.

Senator LANGER. I am referring to that case in Monroe, Wis. Here is a fellow who is the commander of the American Legion and is a disabled war veteran. Yet, because a very prominent Democrat down there had a brother-in-law who had gone broke in the brewery business, they appointed that fellow despite the fact that he only got a mark of seventy-and-some-odd figure. We have to have a fight on the Senate floor to get that commander of the American Legion to keep an office that he has had for years and he made a marvelous record in that job. We have to reverse the finding of—I do not know whether it was the Civil Service Commission, but there was some finding.

Do you remember that?

Senator BYRD. Yes.

Senator LANGER. We had a difficult fight to keep that commander of the American Legion and war veteran in his job. Why can't we remedy that and figure out some way whereby that situation can be completely remedied?

Mr. FLEMMING. Your observations, Senator, apply to the postmaster law more than to this particular bill. But it has always been our feeling that you cannot say to the head of an agency you can only appoint one man, namely, the top man. You just cannot do that. You must give him some discretion. Perhaps giving him discretion to select one out of two is sufficient discretion to bring it in harmony with the Constitution. However, taking the Federal civil service as a whole, although there is nothing sacred about one out of three, it has been the practice over a long period of time and it has been our feeling that it does give the appointing officer a reasonable amount of discretion and, at the same time, does result in the maintenance of proper standards.

Senator BYRD. This certainly strengthens the situation over the present system.

Mr. FLEMMING. Very definitely. It centers responsibility on the Civil Service Commission to pass on the sufficiency or insufficiency of the reasons.

Senator LANGER. You still keep it in politics. I was trying to figure out a way to get it out of politics.

Mr. FLEMMING. May I call attention to the fact that the Civil Service Commission, in its annual report to the Congress this last year, suggested that if the requirement of senatorial confirmation were



eliminated, it would put the selection of postmasters on a sounder basis. That is the official position of the Commission.

The CHAIRMAN. Does that assume the President or Postmaster General would also abide by the decision the Commission made? Is that what you mean to say?

Mr. FLEMING. Not necessarily; we might still have some trouble along that line with anyone who might be serving as Postmaster General.

The CHAIRMAN. This is very interesting, but we will have to proceed.

Mr. FLEMING. Going on to section 9, it simply applies provisions of this law to the unclassified service.

Section 10 is a provision requiring the Commission to reopen examinations on a quarterly basis for persons entitled to disability preference. It is a little broader than existing practice but in substance is in harmony with existing practice.

Section 12 is an important section because it deals with the problem of reduction in force in the Federal service.

You will note the first part of the law provides [reading]:

competing employees shall be released in accordance with Civil Service Commission regulations which shall give due effect to tenure of employment, military preference, length of service, and efficiency ratings.

I might say that our existing reduction-in-force regulations are in harmony with that.

Then it goes on as follows:

*Provided*, That the length of time spent in active service in the armed forces of the United States of each such employee shall be credited in computing length of total service.

That reenacts a provision that has been in the law. [Reading:]

That preference employees whose efficiency ratings are "good" or better shall be retained in preference to all other competing employees and that preference employees whose efficiency ratings are below "good" shall be retained in preference to competing nonpreference employees who have equal or lower efficiency ratings. ✓

That proviso is substantially the same as a law passed by Congress in 1912, which was interpreted to apply to only the departmental service. By Executive order of March 3, 1923, the provisions of the law of 1912 were likewise extended to the Federal service, so that the last proviso simply continues what has been in practice throughout the entire Federal service since 1923.

Senator LANGER. Mr. Chairman, I do not want to seem argumentative but I want to go back once more, if I may, with your permission.

The CHAIRMAN. Yes, indeed.

Senator LANGER. I am sure when Senator Byrd was Governor of Virginia and when I was Governor of my State we had the same experience. As to, for instance, the appointment of a bank examiner; for example, I could not appoint a man I wanted. The bankers met and they selected the fellow and they certified the name and they had him appointed. The same thing was true of your pharmacy board.

Now, certainly if that was constitutional, I certainly cannot see why a veteran who gets a 95 rating and is found by your Commission

to be the highest person, should not be appointed postmaster. Have there been any decisions on that in the courts, Mr. Flemming?

Mr. FLEMMING. Not that I know of, Senator Langer. I think there have been rulings of the Attorney General.

The CHAIRMAN. Mr. Pinion, have you any advice or can you say anything to the committee on that issue that Senator Langer has raised?

#### STATEMENT OF DWIGHT I. PINION, OFFICE OF LEGISLATIVE COUNSEL, SENATE

Mr. PINION. I think the precedents are as Mr. Flemming points out.

I think it has been held, I am not sure whether the courts or by the Attorney General in connection with the Civil Service Act, that the limiting to three was not an unreasonable restriction on the appointing power but, of course, to limit it to less than that might be.

The CHAIRMAN. Mr. Pinion, what is the basic factor? It goes back to the constitutional power of the President to appoint officials?

Mr. PINION. The Constitution says the appointing power shall be in the President or the heads of departments in case of inferior officers.

The CHAIRMAN. With the power of confirmation in the Senate?

Mr. PINION. Yes; unless in case of inferior officers the appointment is delegated and there is no power of appointment whatsoever in Congress and therefore it has been held it cannot be unreasonably restricted. Limiting it to three was considered not an unreasonable restriction.

The CHAIRMAN. Let me suggest that you prepare for the committee some opinions to determine, first, whether there are any decisions of the courts settling this issue, and likewise what are the opinions of the Attorney General based on, and likewise your own opinion.

As I understand it, it would be your conclusion any attempt by Congress to pass a law that would create a set of rules that would designate one particular person must be appointed would be offensive to the constitutional provision placing the discretion in the President or heads of departments.

Mr. PINION. I think the precedents are to that effect.

The CHAIRMAN. Senator Langer, I think you have raised an important and interesting question. We might well consider it further.

Mr. STARNES. As author of the bill and having done a series of bills that were under consideration for the past 8 years on this particular subject, I want to say it is the opinion of the author of the bill and the opinion of the organizations with whom he worked and of which I am a member, namely, the American Legion and Veterans of Foreign Wars, that such a provision that would force the President or an appointing agency to name one man or a specific man, would be unconstitutional. These organizations certainly were seeking the strongest preference they could get under the law.

The CHAIRMAN. I think it is advisable to have a memorandum prepared for the committee. Is that satisfactory, Mr. Langer?

Senator LANGER. Yes.

The CHAIRMAN. Please continue.

Mr. FLEMMING. Section 13 deals with the reappointment privileges of preference eligibles and that has been in effect in the Commission's rules for approximately 50 years. There is nothing new there.

Section 14 is an important section. It is a new section and an important one. The first words there, I think, are important to keep in mind. [Reading:]

No permanent or indefinite preference eligible, who has completed a probationary or trial period employed in the civil service, or in any establishment, agency, bureau, administration, project, or department, hereinbefore referred to, shall be discharged \* \* \*.

In other words, this does not apply to a person who is serving his probationary or trial period.

Senator BYRD. I do not think you have finished an explanation of section 12.

Mr. FLEMMING. I am sorry.

The last part of that section Congressman Starnes has referred to in his presentation.

I think, Senator, I can explain that best by using an illustration. Let us assume that the Bureau of Public Roads were transferred from the Federal Works Agency back to the Department of Agriculture at some time in the future. Under this proviso the Department of Agriculture would have to place all preference eligibles in positions for which they are qualified before it could go out into the open labor market and begin to recruit new employees for the Department of Agriculture.

Senator BYRD. If there was no position available for them, they would not be forced to give them employment?

Mr. FLEMMING. That is right.

Senator BYRD. Suppose there was a general reduction of personnel in the Federal Government, which I think all of us realize sooner or later must occur. What preference will the veterans have as to the retention of jobs they may have?

Mr. FLEMMING. There are three points which must be kept in mind. First of all, under this bill regulations will be required to give due effect, among other things, to length of service and then the next proviso specifies that any time spent in the armed forces shall be considered in determining seniority. The next point is really the most important. It provides that a veteran who has an efficiency rating of good or better shall be retained in preference to a competing employee, that is, a veteran with an efficiency rating of good would be retained in preference to a nonveteran with an efficiency rating of excellent.

Finally when you get down below good, it provides that the veteran shall be retained in preference to the competing nonpreference employees who have equal or lower efficiency ratings.

Senator BYRD. I think that goes as far as you could go.

Mr. FLEMMING. That is right.

The heart of the section which is the second provision, as I stated before, was reflected in an act of 1912, which applied only to the departmental service and then was extended by Executive order of March 3, 1923, to the entire service.

Going to section 14, then, it states [reading]:

No permanent or indefinite preference eligible, who has completed a probationary or trial period employed in the civil service, or in any establishment, agency, bureau, administration, project, or department, hereinbefore referred to shall be discharged, suspended for more than thirty days, furloughed without pay, reduced in rank or compensation, or debarred for future appointment except for



such cause as will promote the efficiency of the service and for reasons given in writing, and the person whose discharge, suspension for more than thirty days, furlough without pay, or reduction in rank or compensation is sought shall have at least thirty days' advance written notice (except where there is reasonable cause to believe the employee to be guilty of a crime for which a sentence of imprisonment can be imposed) \* \* \*

The written notice must state any and all reasons specifically and in detail for any such proposed action. Then, the veteran is to be allowed a reasonable time for answering those charges personally and in writing and furnishing further affidavits in support of such answer.

The veteran is then given the right of appeal to the Civil Service Commission, and this is new [reading]:

from an adverse decision of the administrative officer so acting, such appeal to be made in writing within a reasonable length of time after the date of receipt of notice of such adverse decision.

It provides further [reading]:

That such preference eligible shall have the right to make a personal appearance, or an appearance through a designated representative, in accordance with such reasonable rules and regulations as may be issued by the Civil Service Commission; after investigation and consideration of the evidence submitted, the Civil Service Commission shall submit its findings and recommendations to the proper administrative officer and shall send copies of same to the appellant or to his designated representative.

Now, there again we submit our recommendations to the head of the department or agency. He can follow them or not, as he sees fit, and that brings into the picture the same constitutional question that we have been discussing insofar as appointments are concerned.

It then provides [reading]:

That the Civil Service Commission may declare any such preference eligible who may have been dismissed or furloughed without pay to be eligible for the provisions of section 15 hereof.

Section 15 deals with the establishment of reemployment lists. We have had reemployment lists in the Federal civil service for about 25 years.

Now, it is right here that the commission would like to propose one minor amendment.

Line 10 reads:

No appointment shall be made from an examination register of eligibles when there are three or more names of preference eligibles on any appropriate reemployment list for the position to be filled.

We would like to suggest after the word "eligibles" to insert in line 11: "except of 10 points preference eligibles." We feel that is simply a perfecting amendment.

The CHAIRMAN. Is there any objection to that?

Senator LANGER. What is the difference between 5 and 10 points?

Mr. FLEMMING. The 10 points preference is for disabled veterans and 5 points is given to a veteran who has served in the armed forces but who has not incurred any disability as a result of such service.

Then, section 16 provides that any preference eligible who has resigned shall, upon request to the Civil Service Commission, have his name again placed on all proper civil-service registers.

Section 17 defines the term "Civil Service Commission."



Section 18 provides [reading]:

All Acts and parts of Acts inconsistent with the provisions hereof are hereby modified to conform herewith, and this Act shall not be construed to take away from any preference eligible any rights heretofore granted to, or possessed by, him under any existing law, Executive order, civil-service rule or regulation, of any department of the Government or office thereof.

Section 19 places upon the Civil Service Commission the authority and duty [reading]:

To make and enforce appropriate rules and regulations to carry into full effect the provisions, intent, and purpose of this Act and such Executive orders as may be issued pursuant thereto and in furtherance thereof.

Section 20 we have already discussed. It deals with positions where appointment is by the President with confirmation by the Senate. It states [reading]:

Nothing contained in this Act is intended to apply to any position or appointment which by the Congress is required to be confirmed by, or made with, the advice and consent of the United States Senate: *Provided, however,* That the provisions of this Act shall apply to appointments under Public Law Numbered 720.

That refers to postmasters.

Senator LANGER. What is the provision relative to an acting postmaster? There is a situation, for instance, where a postmaster dies and another fellow is appointed acting postmaster and that fellow seems to hold the job month after month.

Mr. FLEMMING. That would be something I would have to refresh my memory on, as to the exact wording of the law. My recollection is that the appointment of an acting postmaster is entirely within the discretion of the Postmaster General.

Senator LANGER. How long can he hold that acting postmaster job?

Mr. FLEMMING. Six months, under the provisions of the act.

Senator LANGER. What have you to do to get an examination provided his activity extends over 6 months?

I have a case now where the fellow has been acting postmaster for a year and he is still acting.

Mr. FLEMMING. I would be very happy to look into that specific case.

Senator LANGER. It is in North Dakota.

Mr. FLEMMING. I would be glad to give you a report on it.

The CHAIRMAN. Well, the chairman regrets that we will not be able to listen to additional witnesses this morning. There is legislation as to the tax-simplification bill and it is a matter that requires the attendance of the chairman on the floor of the Senate.

We still want to hear from Mr. Moore, speaking for Mr. Sullivan of the American Legion; Mr. Wilkins, for Mr. Ketchum of the Veterans of Foreign Wars; Mr. Gardner, for Mr. Rice of the Disabled American Veterans; George Riley, of the Times-Herald; Mr. Johnson, of the Military Order of Liberty Bell; Mr. Alifas, International Association of Machinists; and Mr. Kaplan, of the National Civil Service Reform League.

I am reading from a list of witnesses who requested to be heard here.

Are there any other witnesses who want to testify besides those I have read from this list? (No response.)

Mr. Kaplan, how long would your testimony take?

Mr. KAPLAN. I believe I can cover mine in 15 minutes and I can make a real contribution.

The CHAIRMAN. I am sorry I cannot wait that long.

I understand Mr. Johnson has to go back to Virginia. That is one of those unfortunate things. I am sorry, but the Senate goes into session at 12 and I have to be there.

Could you gentlemen submit your statements in writing and let them be read to the committee?

**STATEMENT OF H. ELIOT KAPLAN, EXECUTIVE SECRETARY,  
NATIONAL CIVIL SERVICE REFORM LEAGUE**

Mr. KAPLAN. May I take 5 minutes and present my recommendations to the committee?

The CHAIRMAN. If you want to take 5 minutes, you may.

Mr. KAPLAN. I can then put in the rest by memorandum.

The CHAIRMAN. Will you give us your name?

Mr. KAPLAN. My name is H. Eliot Kaplan, executive secretary of the National Civil Service Reform League, 67 West Forty-fourth Street, New York City.

May I just preface my comments on this bill by stating it is my task to study and keep informed with respect to the civil-service laws and their operation and administration throughout the country: Federal, State, and municipal.

It has been my task also to study the operation of the veterans' preference laws that have been adopted under various jurisdictions throughout the country. I have made a study of the operation of the Federal veterans' preference laws and also some of the State veterans' preference laws, and I dare say I am probably as familiar as most people might be in this field, their operation and effect.

We have a constitutional provision in New York State which applies veterans' preference to disabled veterans. I have been instrumental in its application and interpretation in the courts because I have brought the case known as *Potts v. Kaplan*, 264 New York, under which the court construed the application of the disabled veterans' law.

I have also made a thorough study of the operation of that law in New York State.

Coming to the Starnes bill, there are some provisions in it that are an improvement over the operation of the veterans' preference rules in the past. Some of them result from a conference informally held back in 1939 and 1940 with representatives of some of the veterans' organizations and the Civil Service Commission. Unfortunately, not all those recommendations which were thought wise at that informal conference were incorporated in the Starnes bill.

I should like to draw your attention to just two things before making three specific recommendations. First, the effect of what is going to be done in the Federal service with respect to veterans' preference is going to have serious and grave repercussions on what would be the pattern of civil-service preference throughout the country. People have their eyes on what is happening here. I am chairman of a committee that is making a study of this information for the Civil Service

Assembly of Canada, which is an organization of civil-service commissions and their administrators. Our report may be made about June 1.

One consideration that must be given in all preference legislation is how to take care of veterans, which they deserve to certainly have in consideration for their war activities. This should be done without too greatly impairing the merit system.

The second question is how to treat veterans themselves fairly amongst themselves in granting veterans preference in the civil service. I do not think anybody can gainsay the fact that it is not altogether fair to give every veteran, regardless of where he has served, how he has served, and the condition he returns in, the same consideration. Yet, the Starnes bill does just that. It makes no distinction between the disabled veteran who really is handicapped and needs the real help that we are trying to give him and that which he deserves above everybody else, and the man who has just a minor infirmity and does not need that same consideration that the man who is handicapped needs.

The man who was at Guadalcanal, China, North Africa, or in the South Pacific and has gone through hell is asked to step aside, if he is not disabled, in place of someone who might be suffering from a minor infirmity resulting from war exposure and that man may never have been overseas.

I will tell you why that exists, because under the veterans' preference laws as operative, a veteran is given a preference as a disabled veteran whenever and wherever he is recognized as such by the Veterans' Administration, and it is the same whether he has a disability rating of 95 or 1 percent, everybody gets the same preference.

I believe if you gentlemen would make a study of the veterans' preference laws you would see the inequities and injustices that exist even among disabled veterans.

The CHAIRMAN. I do not want to hurry you, but the 5 minutes you asked for have expired.

Mr. KAPLAN. I will give you the other three recommendations.

The CHAIRMAN. It must be soon. The committee would be happy to listen to you at length but it is just impossible to do so at the present time.

Mr. KAPLAN. It will take me 2 minutes.

The CHAIRMAN. We have no objection to listening to you but we do have other duties that must be performed.

Mr. KAPLAN. May I take another minute?

The CHAIRMAN. Yes, indeed.

Mr. KAPLAN. One, our recommendation is that there ought to be a passing mark required before any preference credit is granted. It is only fair that persons who are to be preferred for civil-service status should be required at least to get a passing mark and qualify the same as everyone else. That is the rule everywhere.

The second recommendation is that the credits ought to be in terms of points and there ought not to be given to anyone the right of going to the top of the list regardless of his augmented rating.

The third, I think you ought to give consideration to, and that is the matter of retention of veterans in civil service regardless of length of service. I do not think it is fair, a veteran be retained in service who has been in the service 6 months as against a person who has been in the service 25 years. I believe some distinction might be



made, otherwise you would do a grave injustice to those people who have long years of service in civil service.

I have written a memorandum to the committee.

Senator LANGER. I wonder if we could have it placed in the file? I am tremendously interested in it.

The CHAIRMAN. Have you a copy?

Mr. KAPLAN. Yes.

The CHAIRMAN. Do you desire to have it placed in the record and made a part of the record?

Senator LANGER. Yes.

The CHAIRMAN. At this point we will place in the record the statement sent to the committee by Mr. Kaplan.

(The letter referred to follows:)

NATIONAL CIVIL SERVICE LEAGUE,

New York, May 2, 1944.

Hon. SHERIDAN DOWNEY,

*Chairman, Committee on Civil Service,*

*United States Senate, Washington, D. C.*

DEAR SENATOR DOWNEY: There is before the Senate Committee on Civil Service a bill introduced by Mr. Starnes of Alabama, H. R. 4115, to give war veterans preference in employment in the civil service. We respectfully urge that this bill be not hastily approved in its present form, but that any preference in the Federal civil service for veterans be integrated with other comprehensive programs for rehabilitating, training, and reemploying veterans. For the sake of the efficiency of the public service, other aids for the veterans ought to be developed as far as possible in order that reliance on civil-service preference may be kept at a minimum. The interests of veterans themselves require that Government service be the best possible.

From both a short-term and long-term point of view, we believe that certain of the proposals embodied in the Starnes bill will work out unjustly to those who are not veterans and inequitably and in a discriminatory way among veterans themselves. The bill does not distinguish between veterans whom the war has handicapped and who need special aid toward Government employment, and those who suffer merely from ordinary minor infirmities incurred during wartime but not from combat or exposure caused by war. The recruit discharged for psychiatric reasons after the briefest service in training receives the same preference as the veteran seriously disabled in combat but able to be rehabilitated and made useful for Government service. The former also takes precedence over a veteran who has been in the thick of the fighting in China, Italy, or the Pacific, but who has been fortunate enough to escape injury.

We venture to suggest that the Starnes bill fails to impose certain minimum requirements that ought to be a part of any scheme of preference for veterans:

1. All veterans should be required to have attained at least a passing mark in competitive tests before receiving any added credit for veteran status. The Starnes bill grants a ten- and five-point credit to disabled and nondisabled veterans, respectively, even though they may fail to receive the regular passing mark in examination. We believe this is indefensible. Its effect is to prefer less qualified applicants even among the veterans at the expense of better qualified, both veterans and nonveterans.

2. Preference should take the form of credits added to earned qualifying ratings and the veterans' standing on the list should be determined by such augmented ratings. None should have the right to be placed at the top of a list regardless of his final competitive standing. To place a less-qualified eligible at the head of the list above all others is to put a premium on mediocrity and to nullify the competitive principle.

3. All reasonable standards of education and experience, normally and usually prescribed by the Civil Service Commission for qualifying to compete in examinations, should be maintained. The Starnes bill virtually precludes the Civil Service Commission from setting up any standards of education or experience except for certain scientific, technical, and professional positions.

4. Retention in the service should be based, so far as practicable, on efficiency ratings and length of efficient service. The bill grants preferential status to all veterans, regardless of relative efficiency or length of service. A nonveteran of



25 years' service may have to be released to retain a veteran only 1 year in Government employ. This would destroy all hope of a career service based on merit and fitness and seriously affect the morale of the service as a whole.

The Starnes bill, as we read it, will grant preference to persons in the unclassified, as well as in the classified, service. This will include the F. B. I. and all war emergency agencies. Just how this can be applied practically, without turning over the whole unclassified service to veterans, is hard to see. We fear the result will be to confuse and harass appointing officials and to lay a heavy burden on the Civil Service Commission. This provision also will make many responsible policy-determining positions subject to preference in appointment and retention.

We are glad to see that certain suggestions which we made were embodied in the Starnes bill before it was passed by the House of Representatives. We believe it needs further revision, however; and urge that if the bill is to be given a favorable report to the Senate it be modified at least to the extent recommended in this letter.

Respectfully yours,

H. ELIOT KAPLAN, *Executive Secretary.*

The CHAIRMAN. At this point you might also incorporate the letter from the Director, Disabled American Veterans.

(The letter referred to follows:)

APRIL 18, 1914.

HON. SHERIDAN DOWNEY,

*Chairman, Committee on Civil Service,  
United States Senate, Washington, D. C.*

MY DEAR SENATOR DOWNEY: Yesterday H. R. 4115, a bill to give honorably discharged veterans, their widows, and the wives of disabled veterans, who themselves are not qualified, preference in employment where Federal funds are disbursed, was passed by the House of Representatives by an almost unanimous vote. It is now before your committee.

The provisions of this bill—except for the amendments to section 2, inserted by the House Committee on the Civil Service, referred to hereinafter—were agreed upon by the three major veteran organizations and by the Civil Service Commission, and its principles have been endorsed by the President. It would, therefore, appear that it would be unnecessary to have any hearings to give consideration to the provisions thereof, and we are hopeful that your committee will meet shortly for the purpose of favorably reporting the bill, but, if it should be decided that hearings should be held, then I should like to have the opportunity of appearing before your committee for the purpose of testifying concerning same.

In reporting the bill, however, we are hopeful that your committee will recommend the deletion of the two amendments to section 2, as recommended by the House Committee on the Civil Service, as to which there had not been any agreement on the part of the Disabled American Veterans, or of the other two veteran organizations, or the Civil Service Commission.

We hope that your committee will recommend the deletion of the words "and the husbands of such service-connected disabled exservice women," in lines 17 and 18 on page 2, and, beginning on page 2, line 23, of the words "the widowers of any deceased exservice women who have served honorably in any branch of the armed forces of the United States during any war or in any campaign or expedition (for which a campaign badge has been authorized) who are supporting any children under 18 years of age of such deceased exservice women."

If the husbands of service-connected women are to be extended the same preferences granted to the wives of service-connected disabled servicemen, then, might we not be accused of encouraging selfish men to marry disabled ex-service-women for the sake of acquiring several civil-service preferences to which they might not otherwise be entitled, including the 10 extra points on civil-service examinations, as per the provisions of section 3.

We fear that the enactment into law of such provisions might eventually bring ridicule upon it, and we do not wish to take the chance of bringing about such unfavorable reaction as might jeopardize the other favorable provisions of this bill.

The anticipated interest and favorable action of you and your associates concerning this matter will, you may be sure, be much appreciated.

Respectfully yours,

MILLARD W. RICE,  
*National Service Director, Disabled American Veterans.*

Copies to all members of Civil Service Committee of United States Senate.

The CHAIRMAN. Gentlemen, I would like to make a statement at this point. If it is suitable to both of you Senators, we could have another hearing on Tuesday morning at 10 o'clock and we could take about an hour of testimony and we could then go into executive session and we could try to come to some conclusion as to the bill. Is that satisfactory?

Senator BYRD. Yes.

The CHAIRMAN. Mr. Johnson, have you a written statement?

**STATEMENT OF WALTER JOHNSON, MILITARY ORDER OF  
LIBERTY BELL**

Mr. JOHNSON. I would rather make an oral statement. However, if there is going to be an hour for additional testimony, I cannot see how it can be done. However, if the others would be satisfied with submitting statements, we would be glad to do the same.

The CHAIRMAN. We have representatives here of all the great veterans' organizations and the committee is very anxious to hear from them. We understand they all approve of this bill except as to the amendments Mr. La Follette testified to.

We will now adjourn over until 10 o'clock Tuesday, and we will be very happy to have any of the witnesses back who desire to testify at that time.

(Whereupon, at 11:55 a. m., the committee recessed until Tuesday, May 23, 1944, at 10 a. m.)

## PREFERENCE IN EMPLOYMENT OF HONORABLY DIS- CHARGED VETERANS WHERE FEDERAL FUNDS ARE DISBURSED

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TUESDAY, MAY 23, 1944

UNITED STATES SENATE,  
COMMITTEE ON CIVIL SERVICE,  
*Washington, D. C.*

The committee met, pursuant to adjournment, at 10 a. m., Senator Sheridan Downey (chairman) presiding.

Also present: Senators Downey (chairman), Byrd, Mead, Aiken, Langer, and Burton.

The CHAIRMAN. We will now call Mr. Riley. Will you give your full name?

### STATEMENT OF GEORGE D. RILEY

MR. RILEY. I had made several drafts of a statement, gentlemen, but I have torn them all up for the sake of streamlining my discussion here this morning. I know you want to condense this and get your report out.

There are only a few things I want to call your attention to.

The first is on page 2, line 20, where it says "the widowers of any deceased ex-servicewomen," more often referred to as the La Follette amendment. I heard Mr. LaFollette the other day discussing this and he made frequent reference to disabled widowers.

Whatever point the member had in mind, he has not covered it in this language because there is no reference to any disability of a widower. There are two points in favor of the widower of a servicewoman that are not given to the widow of a serviceman. First, the widower must remain unmarried in order to retain preference, and, second, the widower retains that preference indefinitely without even the saving grace of being disabled. In other words, nor is it necessary for the ex-servicewoman to be disabled.

It has come to the point where on the side lines now they are referring to this particular phase of the bill as being a form of Government-paid alimony. That just may prove to be the last straw for veterans' preference and start some sort of whilwind economy act that is apt to have a very bad reaction, not now of course, because we are all veteran-minded, but we have seen the times back in the early thirties where many of these men were just deprived over night of whatever semblance of veterans' benefit they might have been entitled to.

When those things get started, it doesn't take a very large incident to precipitate something and this can easily be just that. In other words, that is the ultra ultra.

It may be a good social legislation and if that is true then perhaps the Veterans' Affairs Committee might want to consider it.

The CHAIRMAN. What is your specific recommendation in relation to it?

Mr. RILEY. By elimination.

The CHAIRMAN. Eliminate the La Follette amendment?

Mr. RILEY. Any reference to the widowers of ex-servicewomen. I do not see any place for it in here.

Now, over on page 5, section 7, where it refers to professional and scientific jobs paying more than \$3,000, that seems to put a limitation on the kind of jobs that may be held in this type of amendment.

This is in the form of constructive criticism. We went through this thing last year when we talked about the Board of Legal Examiners. This is merely water on the wheel of the boys trying to establish the Board of Legal Examiners. If they can constrict this thing to the \$3,000 dividing line, then of course that is going to take in many legal jobs and junior-attorney jobs and that sort of thing.

I do not believe you ought to have any limitation or dividing line of \$3,000 minimum or maximum or anything else there.

Senator LANGERS. Would you wipe out the entire clause?

Mr. RILEY. No; I would suggest it be enacted in the same form as you have today. I do not have my notes along with me but you do have rules and regulations governing that sort of thing.

There is no need for deviating from the present set-up because I think you now have a pretty well-established practice regarding those jobs.

Why put a limitation on it when there is none now?

The CHAIRMAN. In other words, you would strike out the part referring to the entrance salary being over \$3,000?

Mr. RILEY. Yes.

Senator AIKEN. Going back to page 2, what would you strike out there?

Mr. RILEY. Beginning on line 20, and of course that would change (4) to (3).

Then on page 8, line 15, there is a typographical error which may or may not be important. Where it says "rating are," obviously it should be "ratings are."

I examined this separation section beginning on page 9, section 14, which certainly seems to be a very good one. It leaves pretty ample discretion to the Civil Service Commission to invoke what may be regarded as a tried and true system in the final analysis.

I believe Senator Mead has a bill on the board of adjustment that could have been called the grievance board, so that if that bill passes and the Commission decides that is the kind of mechanism it wants to use for appeals against separation it then, of course, can do that instead of having two types of boards. It can make that board sufficiently elastic.

I have considered suggesting to you the idea of including the penal clause in this thing for nonenforcement. I was talking to Mr. Rice last night and he pointed out quite obviously the condition that you have a general statute for removal and the man is sworn to uphold the laws of the land and that sort of thing at the time of entering upon his duties.



There is a general statute act of August 23, 1912, which has a pretty heavy penalty for nonconformance. But, I think whatever is in the hearts of men who are at the enforcing end is going to determine it pretty much.

We find times when even the Attorney General fails to enforce what seems to be the obvious laws. As cited on March 6 of this year, the district court of appeals called attention to the fact in the case of *Borach v. Francis Biddle as Attorney General of the United States*. Mr. Borach was entitled to a separation hearing and he had not received it. The 90 days are now running to decide whether the Attorney General chooses to appeal the decision of that court. (الحسين ط)

Senator LANGER. Is that a Supreme Court decision, United States Supreme Court?

Mr. RILEY. Court of Appeals of the District of Columbia, now pending if the Attorney General sees fit to appeal it to the Supreme Court.

Senator LANGER. What does the case hold?

Mr. RILEY. The case holds that this man is entitled to a hearing which is described in a general way and which the statute says shall take a certain form; he shall be notified, given notice in writing, and time to respond, and other formalities and so forth, in order to have a complete record.

Senator LANGER. What is the penalty if he does not get such a hearing under this act of August 23, 1912?

Mr. RILEY. That is another act; that is the one that has a penal provision in it.

As Mr. Rice pointed out, that act is still on the books and, so far as we know, that is so but there may be some question about it. There is a question about it.

Senator LANGER. I want to know what happens if a fellow does not get a hearing.

Mr. RILEY. If the man does get the hearing, according to the court of appeals, Senator, he is entitled to then, apparently, take the Administrative Office into court, just as Mr. Borach took the Attorney General. The court laid down a premise there and said:

"This man is going back on the rolls unless you give him a separation procedure." They have not done that.

Senator LANGER. What do you do in the case, as before the W. P. B., where they will not give a fellow a hearing and will not let him be represented by an attorney he chooses.

Mr. RILEY. That seemingly appears to be a very aggravated case.

That case involves a Mr. Earl Looker of the W. P. B., who is a veteran. Incidentally, this seems to be a good time to bring into this hearing that case.

Mr. Looker has been given a one-sentence charge so general that it would not even permit him to prepare any kind of defense. He has had his livelihood taken away. He is a professional man, a teacher. They made certain statements regarding him and his fitness as a person on the Federal pay roll.

He then proceeded to try to defend himself against the charge and selected a counsel and appeared yesterday, whereupon the general counsel of the agency, the head of the agency, the personnel director, and administrative officer, all told him they did not like the kind of

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counsel he had brought but they would be glad to take him into the chambers and let him defend himself. He said, "Without counsel I am not going to appear before this board." Whereupon, they closed the door, after announcing they were going to hold a hearing and complete the record.

Senator LANGER. In other words, they would not let Mr. Looker take anyone with him that he selected as counsel.

Mr. RILEY. That is right.

Senator LANGER. That is yourself, as I understand it?

Mr. RILEY. I appeared for him.

Senator LANGER. They would not let you appear?

Mr. RILEY. I appeared to present his case.

Senator LANGER. They would not let you present it?

Mr. RILEY. No.

I say that they were denying a man a hearing and that is why I was thinking in terms of a penal provision and it would seem to follow through if an agency declines indirectly or directly to give a man a hearing there should be some resort that will remove the obstacle or the obstructive officials who are taking such passive resistance.

Senator LANGER. What is the law? Can they appeal?

The CHAIRMAN. Senator, this committee could initiate an investigation upon its own motion or it could be initiated by somebody introducing a resolution asking for an investigation into this case or the general types of cases.

If there is any desire this case be investigated by this committee, by any members of this committee or any responsible persons, I am sure the committee would be glad to do it.

I would be reluctant to present this issue at any length to this committee this morning because it is really extraneous to this bill.

As I understand Mr. Riley, it is his idea that the officials of the W. P. B. have not properly conducted themselves in relation to some particular investigation. However, I do not understand that it is greatly material to this veterans' preference bill, although the particular individual involved happens to be a veteran. He claims he did not receive fair treatment, as I understand it.

Mr. RILEY. He has not had his separation procedure as defined in this case I just mentioned there against the Attorney General.

In other words, here are some other agencies that seemingly are going through the same resistance as the Attorney General did. The court has just held he shall be put back on the rolls and the procedure calls for the fact that he be given a hearing.

Now, of course, the W. P. B. says, using Civil Service Commission rule 12 for separation, everything is in apple-pie order. They get their divine right to proceed under that rule.

Senator LANGER. We cannot take it up today.

I move the chairman appoint a subcommittee to have hearings on it if a veteran has been discriminated against and has not been given a hearing. We ought to know about it.

The CHAIRMAN. If there is no objection by any member of the committee to that procedure, why, the chairman will be very glad to constitute a subcommittee to consider it.

Mr. RILEY. Gentlemen, you have been very kind.

As I say, I do not have a formal statement to make to you. I wanted to call attention to a few things.

I think section 2, subsection 3, will create a condition that you will not be happy with as the years go by.

The CHAIRMAN. Thank you very much for your helpful suggestions. Mr. Moore is here representing the American Legion.

**STATEMENT OF JAMES MOORE, ACTING EXECUTIVE SECRETARY,  
NATIONAL LEGISLATIVE COMMITTEE, THE AMERICAN LEGION**

Mr. MOORE. I have a prepared statement. I know there are representatives of other veterans' organizations who want to be heard. I know the time is limited from what you said at the last hearing. I would like to simply submit the statement for the record.

The CHAIRMAN. Sit down a minute. We will be very happy to have your statement put in the record.

Let the chairman ask you a few questions.

You and your group favor this bill?

Mr. MOORE. Yes, sir.

The CHAIRMAN. Do you favor it in its present form or are there certain objections?

Mr. MOORE. Let me read the first two paragraphs.

I wish first of all to express my appreciation for this opportunity to appear before you and to present the American Legion's stand on the Scrugham-Starnes bill—S. 1762, H. R. 4115. Because he is working on another important Legion matter now in conference, Francis M. Sullivan, executive director of the national legislative committee, is unable to appear here.

Our organization for the past 10 years has labored to secure an adequate veterans' preference law in Federal civil service in accordance with resolutions adopted on this subject at our national conventions and the national executive committee meetings. We feel that the Scrugham-Starnes bill will carry our resolution into effect and, therefore, we cannot too strongly urge you to take early and favorable action on it.

The CHAIRMAN. Well, that is very fine, Mr. Moore, and inasmuch as your group stands for the bill as is, suppose we take your written statement.

I want to say while we are most anxious to expedite the consideration of the passage of this bill, of course, we do not want to foreclose anybody, any American citizen who wants to be heard. If it is satisfactory, then, for you to submit this in its written form, we will have it placed into the record.

Mr. MOORE. Thank you very much.

This measure gives to honorably discharged veterans of World War I and World War II, their widows, and the wives of disabled veterans who themselves are not qualified, preference in employment where Federal funds are disbursed. It provides, by law, a definite preference both in appointment and retention in Federal positions. While such a preference in many instances now exists by virtue of Executive orders and Civil Service Commission regulations, this bill gives such preference a permanent standing that cannot be changed except by congressional action. The bill, likewise, does not take away from the



✓ veteran any rights previously granted under any existing law, Executive order, civil-service rule, or regulation of any department of the Government, but prescribes by law additional preferences and confirms many now existing by regulation.

Much time has been spent by the American Legion over the past several years in trying to achieve for the veteran the preferences contained in the Scrugham-Starnes bill, and, as stated before, we heartily endorse the measure. The enactment of this bill would also do much to boost the morale of the servicemen now engaged in fighting World War II.

Inasmuch as the bill has the endorsement of the President, the United States Civil Service Commission, and the three major veterans' organizations, we urge prompt and favorable reporting of the bill and passage by the Senate.

The CHAIRMAN. Mr. Wilkins is here on behalf of Mr. Ketchum, representing the Veterans of Foreign Wars.

Will you be seated, please, and proceed as you may desire?

Do you have a written statement?

#### STATEMENT OF S. E. WILKINS, SECRETARY, NATIONAL LEGISLATIVE COMMITTEE, VETERANS OF FOREIGN WARS OF THE UNITED STATES

Mr. WILKINS. Yes, sir. It is short, and, if I may, I would like to read it.

The CHAIRMAN. Yes; go ahead.

Mr. WILKINS. Mr. Chairman and members of the committee, the Veterans of Foreign Wars of the United States is heartily in favor of H. R. 4115, with one exception. As a matter of fact, our organization was cosponsor of the original bill introduced by Congressman Starnes in the House and Senator Scrugham in the Senate after weeks of negotiations between the authors and representatives of the Civil Service Commission, the Veterans of Foreign Wars, the American Legion, and the Disabled American Veterans.

It was not considered to be a perfect bill, or one that would cure all of the weaknesses of Government procedure in the employment of war veterans, their wives and widows, but the several sponsors believed it to be a step in the right direction and in accordance with sound employment practices.

However, there is one point in the bill as it was passed by the House of Representatives to which the Veterans of Foreign Wars register strong opposition. I refer to that part known as the La-Follette amendments, which would give veteran preference to the nonveteran husband of a disabled ex-servicewoman, and to the non-ex-servicewoman while supporting her children under 18 years of age.

We firmly believe that part of the House-approved bill is unsound from the standpoint of fairness to true veterans, and from an administrative standpoint.

Let us consider it from the angle of the male veterans who has had combat service wherein he endured extreme hardships and offered his life in battle, but luckily came through without a service-connected disability. He gets five points added to his earned rating in a civil-service examination for Federal employment.



In contrast to his heroic service and the five points awarded him, it would be possible, under the LaFollette amendments, for a non-veteran husband or nonveteran widower of a disabled ex-servicewoman whose disability, even though a minor one, was incurred in home service, to get 10 points added to his earned rating and to have his name placed at the top of the Civil Service Commission's list of veteran eligibles. This, in spite of the fact that the nonveteran may have made no contribution whatever to the war effort, or he may have held a soft job at home in private industry at high wages while the combat veteran was suffering the horrors of war on foreign battlefields.

It will be seen that a non veteran male might receive a higher number of added points and a higher place on the veteran eligible list than would Sgt. Alvin C. York, the greatest hero of World War I, and other heroes of that war and the current one who have been, or will be, accorded high military honors. This nonveteran receives these benefits, not for anything he himself has done for his country, but simply because he married an ex-servicewoman.

The LaFollette amendments actually reverse the old American idea of a wife being dependent upon her husband, which is the basis for the existing grant of veteran preference to wives and widows of war veterans. In reality, the amendments make the employment of the nonveteran husband or widower dependent upon his wife's military or naval service and a disability, however slight, she incurred therein. The net result is that the husband is presumed to be dependent upon his wife for assistance in obtaining a Federal job.

Under existing laws, the ex-servicewoman having a service-connected disability of a compensable degree is entitled to receive compensation from the Government, just as the male veteran having a service-connected disability has that entitlement. Surely that compensation, together with the earning power of her husband in the open labor market, provide ample security for her and her children, if her husband is any good at all. If he is no good he would be of little use to the Government as an employee, or to her as a husband, or to her children as a father or foster-father.

The 10 points added to the earned rating of an applicant for Federal employment and the placement of the applicant's name at the top of the veteran eligible list is of immense help in obtaining an appointment, and it is generally conceded that when a person is given a permanent appointment, he or she may remain in it as long as his or her services are satisfactory. Therefore, the nonveteran who receives an appointment under the terms of the LaFollette amendments is virtually entrenched in a lifetime job if he wishes to continue in the Government services.

There is nothing in the LaFollette amendments to provide that the nonveteran shall be dismissed from the Federal service when his wife dies, or when her children reach the age of 18. It is true that the non-veteran might be subject to dismissal at that time in case of a reduction in force, but it is also true that his wife may live for 30 years after his appointment and he would then be entitled to retire with a pension under the Civil Service Retirement Act. Or the wife may have died, but her children born at intervals over a period of years may not all have attained the age of 18 years prior to the date when the non-veteran is eligible for retirement under the Civil Service Retirement Act.

There is a limit to the number of Federal positions. Everyone cannot work for the Government. As long as this nonveteran holds his job he stands in the way of a true veteran getting it.

It has been said that the number of nonveterans who would enter the Federal service under the LaFollette amendments as compared to the number of true veterans would be very small, something like 1 percent or less, but to all intents and purposes when veteran John Doe loses out in obtaining a Federal job because one nonveteran had a higher grade through the added 10 points and was at the top of the veteran eligible list, he will feel the cards were stacked against him, and so far as he is concerned he might as well have had no preference at all. If it doesn't get him a job it is worthless to him and he loses out by 100 percent, not by 1 percent.

Mr. Chairman, there is justice in the theory that the minor children of a deceased ex-servicewoman are entitled to Government protection, but such protection should be in the form of death compensation or pension payable to the duly appointed guardian of the child or children, rather than through employment preference to a nonveteran male who may, or may not, provide proper care for the child or children of the disabled ex-servicewoman.

The amendments to which we so strenuously object, although based as they were on altruistic motives, are simply impossible of administration in fairness to true war veterans, either male or female, and their dependents, and we urgently request that this committee strike them from the House-approved bill.

It is earnestly hoped, Mr. Chairman, that your committee, after amending H. R. 4115 as we desire and in such other ways as the committee, in its wisdom, finds necessary to clarify certain provisions, will promptly recommend that the bill do pass.

The CHAIRMAN. Thank you very much.

Senator Langer, have you any questions?

Senator LANGER. No.

The CHAIRMAN. If there are no other questions, we will then go on to the next person.

Mr. Rice, you represent the Disabled American Veterans.

#### **STATEMENT OF MILLARD W. RICE, NATIONAL SERVICE DIRECTOR, DISABLED AMERICAN VETERANS**

Mr. RICE. Mr. Chairman and gentlemen of the committee, this matter of obtaining the enactment of a more effective law to provide preference for veterans, service-connected disabled veterans, the wives of veterans who themselves are not able to qualify for civil-service jobs, and for the widows of veterans has been in the making for more than 8 years during the time that I have been here in Washington, D. C., first as legislative representative for the Veterans of Foreign Wars and during the last 3 years as national service director for the Disabled American Veterans.

I do not believe there is any bill or prospective bill as to which I have spent more time in trying to develop a unified viewpoint among the major veterans' organizations and the Civil Service Commission than the bill to provide more effective preference for veterans. I am

indeed delighted such a bill has already been passed by the House and appears to be on the way to be passed through the Senate.

The essential justification for providing such preferences is on the fact that these servicemen were actually employees of the Federal Government in its most hazardous employment, in active service in the armed forces. Every employer has adopted, that is, every private employer, the policy of giving preference to former employees for reinstatement and even the Federal Government has given that policy effect as to its former civilian employees by permitting them to have their names put on the reemployment register and upon request to be reappointed if some appointing officer is willing to send their name to the Civil Service Commission for certification.

We felt very strongly that the members of the armed forces should be regarded as having been former employees of the Federal Government and therefore entitled to effective preferences for reinstatement into employment in a civilian capacity after the termination of their active service in the armed forces.

Heretofore executive orders have provided certain preferences but those preferences have not been nearly as effective as they should be and frequently the real intent of the law and of the Presidential Executive orders has been avoided by reason of the loopholes in such Executive orders. Statistics were previously presented before the House Committee on Civil Service at previous hearings concerning veterans' preference bill, to prove that the percentage of the total number of appointments consisting of veterans and disabled veterans ranged from about 3 percent to the total number of appointments to somewhat more than 75 percent, depending upon the particular agency by which the appointments were made. That situation has probably continued to be in effect since the last analysis was made of those figures.

There was no violation of law, no violation of any Presidential Executive order in the appointment of veterans, but there was a failure to comply with the intent of the Presidential Executive orders designed to give Civil Service preferences to service-connected disabled veterans and veterans who were otherwise considered to be qualified for the job.

It therefore became necessary, in our opinion, that these loopholes be plugged up by specific provisions of law, and this bill is designed to that end.

Its provisions are self-explanatory and I do not want to burden the committee by analyzing all of them unless any specific provision should be attacked, in which event, should there be any hesitancy on the part of the committee to the justification for continuing the language now in the bill, I should like to have a subsequent opportunity to defend that provision.

The CHAIRMAN. What is your attitude on the La Follette amendment?

Mr. RICE. Our organization is very much against it. These two amendments were inserted after there had been mutual agreement among the three major veterans' organizations. We fear that the inclusion of such amendments in section 2 of this bill would finally



bring ridicule upon the entire veterans' preference legislation and we think by all means that the language starting on line 13, page 2 [reading]:

and the husbands of such service-connected disabled ex-servicewomen—  
should be deleted, and also starting on line 20, page 2—

the widowers of any deceased ex-servicewomen who have served honorably in any branch of the armed forces of the United States during any war or in any campaign or expedition (for which a campaign badge has been authorized) who are supporting any children under 18 years of age of such deceased ex-servicewomen.

The so-called La Follette amendments by all means ought to be deleted from the bill.

Senator BYRD. You have no objection to the balance?

Mr. RICE. No; the rest of the language should be as is.

The CHAIRMAN. Mr. Rice, what is your attitude and that of your organization to the suggestion made by Mr. Riley as to striking out from the bill on page 5, section 7, that portion referring to scientific or professional services at a salary of over \$3,000 per annum?

Mr. RICE. Well, it was only very reluctantly that we were willing to concur with that language in the bill. We were willing to concur mostly because of the insistence of the Civil Service Reform League and the Civil Service Commission, that the topmost positions in the professional and scientific services should be chosen solely and exclusively on the basis of Civil Service ratings.

The CHAIRMAN. Let me intervene right there.

Mr. Flemming, does Mr. Rice have the right idea of the attitude of the Civil Service Commission?

Mr. FLEMING. We favor the language as it now appears in the bill.

Mr. RICE. We do not object to it too much because of the fact that only a very small percentage of the total number of professional and scientific personnel have a starting salary of more than \$3,000. All other personnel, professional and scientific personnel, whose salaries are less than \$3 000 to start off with, would have the advantage of all other civil-service preferences provided for in this bill.

By the way, I think there is a very small typographical correction that should be made in section 6, line 5, page 5. I believe the word "a" should be inserted before the word "family,"—to read "a family." It is not really consequential but it was there as originally agreed upon.

Although there was mutual agreement among the three veterans' organizations concerning all of the provisions of the bill, as passed by the House, except for the La Follette amendments, I did state to the others that I intended to propose, if I had an opportunity, for the consideration of this committee, that all persons who have a 10-point civil-service preference and who hold war-service appointments should be given a permanent civil-service status. To that end I recommend that there be added the following language at the end of section 8 on page 7 [reading]:

Any person included in section 2 (1) who holds a war-service appointment in any Federal agency is hereby extended the status of a permanent employee.

The reason for that is that probably several thousand, but not too many thousand, service-connected disabled veterans, both of World War I and World War II, have acquired war-service appointments



that last for the period of the war and 6 months thereafter, who will be considered to have been only temporary employees and whose appointments would therefore be terminated 6 months following the conclusion of this war. Most of these service-connected disabled veterans should in any event have been granted a preference and having been on the job anywhere from several months to several years and presumably having established their qualifications for the job, we think they ought to be given a permanent civil-service status.

Moreover, if that assurance were given in the law at this time and an additional number of service-connected veterans returning from this war would probably be prompted to seek the opportunity for war-service appointments, with the assurance that they would mean permanent employment. We think that is justifiable, particularly as to the service-connected disabled veterans.

At the end of section 11 there had previously been the language, about which I do not have any notation of having agreed or made any agreement for the deletion of, and I therefore recommend that the final period be changed to a semicolon and the following language be added on page 8, at the end of section 11 [reading] :

the President is authorized to promulgate such executive orders as may extend additional preferences to veterans not herein provided.

The reason for such a provision would be that if there should be found to be any weaknesses in this bill, that we do not now see and that Civil Service Commission and the President might be agreeable to, and which could be provided for by Executive order, that the President would thereupon have been given the authority and the blessing of Congress for issuing such an Executive order to provide even more effective preferences than are provided for in this bill.

Senator LANGER. Can you give us an example of that?

Mr. RICE. Senator, for example, this bill does not specifically provide preferences for peacetime veterans, the so-called regular veterans. It does protect the preferences they now have, if the President keeps in effect the Executive orders that are now in effect, but there is nothing in this act to prevent the President from repealing such Presidential Executive orders that now give preference to the peacetime veterans. If the President should subsequently want to give more effective preferences to the peacetime veterans, after a lapse of years, then under this provision I have suggested he would have the authority to do so.

It might be, for example, that the President, following the enactment of this law, would repeal, would cancel previous Executive orders giving certain preferences to the peacetime veterans on the ground that war veterans should have more effective preference, but that after a lapse of years when there were a lesser number of war veterans asking for civil-service jobs, there then again might be more justification for encouragement for men to serve in the armed forces and to be extended a civil-service preference by Executive order. That proviso would make that possible.

Going to section 14 on page 9, I believe previously Mr. Riley brought that up. I therefore want to make some comment concerning it.

The addition of some language in section 14 was rather reluctantly agreed to so far as our organization was concerned, namely, the language on line 11, page 9 [reading]:

who has completed a probationary or trial period \* \* \*—

We hesitated very much to agreeing with the other veterans' organizations as to the desirability of that language being included in this bill for fear that it would permit the Civil Service Commission to declare a probationary period to be 6 months, 1 year, or 2 years, or 6 years. During any such probationary period or trial period, the veteran would actually have no assurance of continuance in employment, nor would he have any protection under section 14 of this bill. Personally, I felt the language ought not to be in the bill but rather reluctantly agreed with the other organizations in order to have unanimity of opinion.

Senator LANGER. Would it meet your objection if we say not to exceed 90 days?

Mr. RICE. That certainly would improve it very much. You would then probably want to say "who has successfully completed a probationary or trial period of 90 days."

The CHAIRMAN. Mr. Rice, if I may intervene here.

Mr. Flemming, do you care to make a comment to the committee on that?

Mr. FLEMMING. Mr. Chairman, members of the committee, as Mr. Rice knows, we are very much in favor of the language as it appears in the bill because we do believe in the principle that a trial or probationary period should be regarded as a part of the total examining process. The practice of the Commission over a period of years has been never to extend that trial period beyond 1 year, as far as I know. In a good many instances in normal times it has been 6 months. During the war period under our war-service regulations, it has been in most instances 1 year. The reason for this is that in recruiting for the war agencies, we have been in a position where we had to recruit more rapidly than in normal times and we have not had the opportunity to examine into qualifications as carefully as during normal times. Therefore, we have felt the operating agency should be given the additional protection of a trial period of 1 year. But, in normal times for most jobs, the trial period has been 6 months. In the case of law-enforcement positions the probationary or trial period has been 1 year. However, the Commission has never extended the trial period beyond 1 year.

I would urge very emphatically that the Commission be permitted to exercise discretion in setting the trial period, at least up to 1 year.

Mr. RICE. There ought, Mr. Chairman, to be some limitation, as to that trial, in my opinion.

The Civil Service Commission as presently constituted seems to be generally favorable to the extension of civil-service preferences liberally to veterans and discharged veterans and we hope they will continue that way. However, there is no absolute guaranty that would be the case in the future. I would feel better about it if there were some positive limitation in the law and also an emphasis on that point in the report of the committee itself.

I understand a proposed amendment was suggested for line 11 on page 11, after the word "eligibles" the following words, "except of 10-point preference eligibles." I understand that suggestion was made by Mr. Flemming and with that we most heartily concur and we thank them for thinking about that suggestion because it will be a very valuable proviso.

Since I understand there will be witnesses subsequently who will endeavor to have this bill further liberalized to provide the same preferences to the peacetime veterans as granted to wartime veterans, may I say there has been agreement among the several major veterans' organizations and the Civil Service Commission not to go any further than as provided for in this bill, but to extend the peacetime veterans the protection afforded by the provision in section 18 of the bill, protecting them on the basis of all previous law and Executive orders, but not providing any additional civil-service preferences as extended in this bill, except as to the protective provisions thereof after actual appointment.

Senator LANGER. Mr. Chairman, I am confused about this term "Executive orders."

How is a lawyer, for example, going to look up the law on that question? Does he have to go to the executive departments and get a list of all the orders?

Mr. RICE. Well, the Civil Service Commission publishes a booklet in which they have gathered the law and executive orders, rules, and regulations.

Senator LANGER. They can be changed overnight.

Mr. RICE. Yes; that is true. One would have to take the trouble to get all the amendments thereto. They will be published in the Federal Register from time to time.

The CHAIRMAN. I think we are fortunate in having here with us the distinguished Senator from Virginia, who can probably tell us in many kinds of descriptions how extensive are the Executive orders. If he can suggest to the inquiring Senator best how to familiarize himself, I would like to hear it, too.

Senator BYRD. You would have to devote most of your time to it. I do not think you have all that time to do it.

Senator LANGER. I do not follow you.

Senator BYRD. You would have to give a great deal of time to keep up with them.

Is that in reference to this suggestion Mr. Rice made as to section 11? Is your inquiry in connection with the fact he suggested the President be given power to promulgate Executive orders in addition to the bill?

Senator LANGER. No; I was referring to section 18 on page 12.

The CHAIRMAN. I do think there are one or two cases here in which we have in this bill given the President the power to extend the benefits by Executive order.

Mr. FLEMMING. Mr. Chairman, the bill as introduced originally by Congressman Starnes and Senator Scrugham did give to the President certain authority to extend the provisions of the bill so that preference might be given to persons not now covered by the bill. However, the Civil Service Committee of the House of Representatives



in considering the bill voted to strike the language to which Mr. Rice has referred in connection with section 11.

The CHAIRMAN. I think there is one provision in here, which does, however, give the right to the President to issue an Executive order, on page 3, subsection 4 [reading]:

*Provided*. That in examinations for the positions of guards, elevator operators, messengers, and custodians competition shall be restricted to persons entitled to preference under this Act \* \* \* proclaimed by the President or by a concurrent resolution of the Congress for such other positions as may from time to time be determined by the President.

That would be by Executive order.

Senator BYRD. We discussed that fully last week.

As to section 18, how does that affect any Executive order?

Mr. FLEMMING. As Mr. Rice has pointed out, Senator Byrd, that was designed primarily to make sure that the so-called regular veterans, peacetime veterans, who have been granted preference under the provisions existing under Executive orders, will not have it taken away from them.

Senator LANGER. Would it be advisable to have Mr. Pinion make a list of all Executive orders?

Mr. FLEMMING. We have that, Senator Langer, in a pamphlet which we can make available to you and to the other members of the committee.

Senator LANGER. Why can't we put what we want into the bill and repeal the rest of them?

The CHAIRMAN. Mr. Flemming, will you answer that question for the chairman?

Mr. FLEMMING. Mr. Chairman, I would have to give further consideration to that before answering it offhand. I will be glad to do that.

The CHAIRMAN. Senator Langer, the chairman is entirely sympathetic to the implications from your question. In this vast Government that we now have there are, of course, almost innumerable Executive directives and directives by the different departments of Government which do, of course, I assume, cause us all a great deal of concern, as much as it does you and the distinguished Senator from Virginia, who has already expressed that.

Frankly, I must admit in this particular bill I do not think we have very much to be very apprehensive about. I do not believe any consideration of that particular question, a very important question, would in any way militate for or against the passage of this particular bill.

Mr. RICE. Mr. Chairman, I fear that would be rather impracticable because it will require very detailed and meticulous study to ascertain in what respects this bill, if enacted into law, will affect the existing Executive orders. Most of the preferences that heretofore were provided for disabled veterans and veterans have been by Executive order and by law itself.

Senator BYRD. They have been issued in accordance with authority from Congress.

Mr. RICE. Yes; that is, in accordance with the fundamental laws.

Senator BYRD. I would have to oppose Mr. Rice's section 11, the addition thereto, that is that the President will have the power to



promulgate additional rules and regulations. That simply takes the authority entirely away from Congress.

Mr. RICE. Senator Byrd, if I may repeat the language there, I think you will find it would not interfere with what Congress has done. My proposed amendment was this [reading]:

The President is authorized to promulgate such Executive orders as may extend additional preferences to veterans not herein provided.

Senator BYRD. What it does is take away the authority from Congress to do it.

Mr. RICE. You are correct about that.

Senator BYRD. I do not think that issue applies to section 18; that is, of the preferences that have already been granted. The purpose of that, as I understand it, is not to disturb the existing statutes. That is not so bad, but to give additional authority might put Congress in a position where it would not have any opportunity to pass upon any further legislation as to veterans.

Mr. RICE. Mr. Chairman, several years ago in appearing before the House Committee on the Civil Service I had taken the trouble to prepare on the basis of information obtained from the Legislative Reference Service of the Library of Congress and other sources, a résumé of the veterans' employment and civil-service preference laws in effect in several countries and I think for the purposes of the record it would be a good thing to have it incorporated and thus you might have an opportunity to make comparisons with the laws in effect in such other countries. I therefore offer this for insertion in the record.

The CHAIRMAN. How extensive is that; how many pages?

Mr. RICE. About six pages, I think.

The CHAIRMAN. What do the committee members think about it.

Senator LANGER. I think it ought to be included. It would be interesting to have it.

The CHAIRMAN. Very well. It will be included in the record.

(The document referred to, Veteran Preference in Government Employment—hearing before the Committee on the Civil Service, House of Representatives, 75th Cong., 1st sess., on H. R. 5558, H. R. 5821, and H. R. 6497, reads as follows:)

STATEMENT SUBMITTED BY MILLARD W. RICE, NATIONAL LEGISLATIVE REPRESENTATIVE, VETERANS OF FOREIGN WARS OF THE UNITED STATES

#### VETERAN EMPLOYMENT LAWS IN OTHER COUNTRIES

During May 1936, the Honorable Joe Starnes, Member of Congress from Alabama, and the author of H. R. 6497, at my suggestion, requested the legislative reference service, of Congress, to furnish him with a complete set of translated copies of, or verified reports concerning, the veteran employment and civil-service preference laws of other countries which were engaged in the World War, as well as such statistics concerning the number and percentage of veteran employees in each of the respective countries as might be available. This material was furnished to Congressman Starnes during December 1936 and subsequently he turned it over to me.

In some instances photostatic copies of the original statutes were furnished. In other instances some of the material had been secured from the International Labor Office, at Geneva, Switzerland. The information dates back to as far as 1921 and up to as far as 1933.

In my résumé of the laws existing in each such country, I shall not indicate the original source of material, or the dates of same, and it may therefore be that, after a more careful survey and study of original sources, it might be

found that the situation may be somewhat different than as reported herein. Nevertheless, the following brief résumés will at least indicate that there has been a greater solicitude in many other countries, as to the employment of war veterans, and particularly of disabled war veterans, than has been the case in the United States.

The résumé as to each country is not intended to be absolutely complete but rather as brief as possible.

#### CANADA

The Civil Service Commission of Canada is obligated to prepare and maintain a special list of persons in receipt of pension by reason of their services in the war, who (1) have from causes attributed to such services lost capacity for physical exertion to an extent which makes them unfit efficiently to pursue the avocations which they were pursuing before the war; (2) have not been successfully reestablished in some other avocation; and (3) desire to be placed on such lists.

Age limitations and physical requirements shall not apply to any person with military or naval service who had had active service overseas, or who had served on the high seas during the World War, and who had been honorably discharged, if the commission certifies that he is of such an age and in such a satisfactory physical condition that he is unable to perform the duties of the position for which the appointment is sought.

In all examinations for entrance into the civil service, the persons named on such special list who are found to possess the necessary qualifications shall be named, in the order of merit, on the list of successful candidates above all other candidates; and all other persons who have been on active service overseas in the military forces or who have served on the high seas in a seagoing ship of war in the naval forces of His Majesty, or of any of the allies of His Majesty during the war, who have left such service with an honorable record or who have been honorably discharged, or that the widows of such persons, and who, in either case, obtained sufficient marks to pass such examinations, shall, irrespective of the marks they have obtained, be named in the order of merit, on the list of successful candidates next after candidates who are on the special list, and above all other candidates.

Immediately after each examination a list of the successful competitors in the case of a competitive examination, and of successful candidates in order of merit in other examinations, shall be made out and published in the Canada Gazette.

The veterans are exempted from all examination fees.

As a result of this legislation the returned man secured an absolute lien on all positions for which he could qualify. Special efforts were made to acquaint returned soldiers with the opportunities thus opened to them.

Special preference has also been given to returned men by provincial and municipal administrations. Competitive examinations shall be of a character fairly to test and determine the relative fitness and ability of candidates actually to perform the duties of the class to which they seek to be appointed, and any investigation of training and experience, and any test of technical knowledge, manual skill, or physical fitness that, in the judgment of the commission, serves to this end may be employed.

Appointments to the civil service are restricted to those who are not natural born or naturalized British subjects.

From the 1st of September 1918 to the 31st of December 1934, out of the total of permanent and seasonal and temporary appointments of 180,374 made by the Civil Service Commission, 43,523 have been returned soldiers, or 24.13 percent.

As to private employment, it has been noted that for some years pensioners were experiencing difficulty in obtaining employment, due to a feeling on the part of certain employers that by reason of the service disabilities of workmen in receipt of pension, the cost of employers liability would be materially increased. Therefore, in December 1921, authority was granted the Civil Service Department to assume the cost of compensation in respect of pensioners of 20 percent and upward who suffer injury or disease while engaged in industry.

The Soldiers' Settlement Board have advanced the sum of \$144,532,488 for a land settlement among returned soldiers, about one-third of such advances having been repaid.

#### ENGLAND

Of the 32,600 men now serving in the established general and departmental clerical classes about 26,000, or 80 percent, are ex-servicemen, nearly 19,000

having been originally recruited during or after the war in a temporary capacity, without competitive examination.

With a few unimportant exceptions the recruitment of temporary clerical personnel during the last 12 years has been limited to ex-service personnel. The practice of reserving temporary clerical work to ex-service personnel represents the declared policy of successive government.

An extensive plan of providing vocational training, graduated off through placement training into private employment, was followed in Great Britain for several years following the termination of the World War, in as many as 600 different occupations, with grants from the civil liabilities fund having been given in certain trades, such as tinkers, handymen, etc., to enable the men after training to set up in business on their own account.

As a result of this vocational training it was found that during 1923 while the unemployment among adult males insured under the Unemployment Insurance Act as high as 12 percent, unemployment among former vocational trainees amounted to only about 7 percent.

The British Government adopted several methods of organizing the means of finding employment for disabled veterans, the chief among which are:

- (a) The national system of employment exchanges.
- (b) The national scheme for the employment of disabled men on a percentage basis, i. e., the King's Roll of Honor.
- (c) The establishment of the King's Roll National Council and the King's Roll local committees.
- (d) Grants to enable certain types of disabled men to set up in business on their own account.
- (e) Grants-in-aid of institutions, such as the Lord Robert's memorial workshops, established for the purpose of providing employment for the severely disabled.

The employment exchanges were in existence since before the World War, and immediately tackled the problem of securing employment for veterans and disabled veterans, taken up in this country only since the passage of the Wagner-Peyser Act in 1933, providing for the establishment of the Veterans' Placement Service within the set-up of the United States Employment Service.

Local employment committees functioning in cooperation with the employment exchanges in Great Britain consist mainly of representative employers and workers.

Under the King's Roll employers generally are requested to employ 5 percent of disabled men and those employers who comply with this requirement are authorized to use a "seal of honor" on their letter paper, and the British Government generally follows the policy of giving its contracts only to those employers who are entitled to be on the King's Roll. This precedent has also been followed by most of the local authorities, as to contracts concerning municipal affairs.

It has been the policy of the Government to give preference of appointment, first, to disabled veterans, and then to other veterans, prior to the employment of other applicants equally qualified. The total male staff of the Ministry of Pensions in 1930-31 numbered 3,379, of whom 95.3 percent were ex-servicemen, and of whom in turn 56.8 percent of them were disabled by the war. The total male staff in all Government departments, October 1, 1932, was 238,925, of whom 157,794 were ex-servicemen constituting 66.04 percent of the total male employees.

At the end of 1935 the total number of civil-service employees of the British Government was 327,417, of whom 47,658, or 14.56 percent, were disabled war veterans and of whom 113,597, or 34.55 percent, were other war veterans, making a total of 161,255 war veterans, constituting 49.25 percent of the total number of civil-service employees, a percentage of at least 3 times, if not 4 times as high as in this country.

#### BELGIUM

The civil-service preference laws for veterans appear to be particularly specific in little Belgium.

Any person employed in a State, or provincial, or communal office, or in an undertaking placed under State, provincial, or communal control or holding a public service concession, who honorably served in the Army during the war shall be reinstated as in his grade and employment immediately on demobilization.

For purposes of promotion and increments in salary or wages the time spent with the colors shall be reckoned as service.



If the fitness of certain men is reduced by disablement or disease so that they cannot normally carry out their former duties, they shall retain the privileges of this grade in an employment which corresponds to their actual qualifications.

Candidates for admission to employment in State, provincial, or communal offices and undertakings shall be classified in four lists.

1. War-disabled ex-service men entitled to a pension for wounds, disabilities, or diseases contracted or aggravated as the result of service in a combatant unit.

2. (a) War-disabled ex-service men entitled to a pension for wounds, disability, or disease contracted or aggravated by military service during the war.

(b) Belgian service men of all ranks who actually took part in the campaign.

(c) Belgians who, although not mobilized, have received recognition for acts of signal civic devotion during the war.

3. (a) The children who were under age on August 1, 1934, of:

(1) Belgian servicemen who were killed in the course of the operations of war or who died as the result either of wounds received in action or of diseases contracted or aggravated by military service during the war.

(2) Belgians who were shot by the enemy or who were deported and died as the result of the privations and ill treatment to which they were subjected.

(3) Belgians who were not mobilized and were killed as a result of the war.

(b) Belgians who were mobilized but do not come under any of the previous heads.

(c) Belgians who were not mobilized and were wounded as a result of the war.

4. All other candidates.

Candidates registered in the first list above who obtain passing marks shall be classed before all others.

Candidates in the second and third lists who obtain passing marks shall be entitled to have their marks increased by 10 and 7 percent, respectively.

Except where special qualifications are required by law, by tests, or examinations other than competitive examinations, the appointing authority shall give preference first to candidates in the first list, then in the second list, then in the third list, and then finally in the fourth list, although discretionary authority is specifically reserved for the appointing authority.

The Crown is given the authority to cancel appointments made by provincial or communal authorities or by the poor-law authorities in contravention of the provisions of the Civil Service Act.

For purposes of seniority, time spent by a disabled veteran in the war and time spent in the hospital or on leave without pay after discharge, owing to wounds or disabilities, shall be counted as part of his civil-service employment period and if he had been employed by the Government prior to the World War, such time spent in military service shall count double for seniority purposes.

No figures were available as to the number of veterans employed by the Government in Belgium, but judging by the various specific provisions for preference, the percentage of war veterans, and particularly of disabled war veterans who were employed by the Federal Government, and by the various provincial and communal governments, must be very high indeed.

#### FRANCE

The time spent with the colors by employees in any state office, or workers and employers in state undertakings, shall be reckoned as an equivalent period of civil service in calculating the length of their service for the purposes of pension and promotions and seniority.

If he had to be discharged because of service-incurred disability prior to the demobilization of the unit to which he belonged, then such difference of time shall also be counted for seniority, promotions, and pension purposes within the civil service.

Certain paid positions in the gift of the state and of local administrations go by preference to the war-disabled pensioners.

Practically all industrial and commercial undertakings, which employ regularly more than 10 wage earners (male or female) over 18 years of age, whether French citizens or aliens, shall employ a certain number of war pensioners in proportion to their total staff generally provided as 10 percent thereof. The same thing is applicable as to all agriculture and forestry undertakings which employ regularly more than 15 wage earners.



Lists of the war pensioners still employed must each year be furnished by each employer to the authorities. Such war pensioners must be paid not less than the customary current wage in the trade and in the district, except where it may be shown that the pensioner is conspicuously inferior to other workers in the same category, his wage may be reduced by not more than 20 percent with his concurrence.

Any head of an undertaking who has failed to employ the number of pensioners fixed and give the notice specified as to their employment or nonemployment shall be liable to pay a tax at the rate of 6 francs per working day per pensioner, not so employed.

Pensioners whose physical invalidity exceeds 60 percent shall be entitled to 2 weeks' notice of dismissal in the case of a worker paid by the day or the week, and 2 months' notice, in the case of a worker paid by the month, unless a longer period is customary or is provided for in the contract.

A war pensioner rated as disabled to the point of 80 percent or more shall count as two.

Vocational training was provided for the war-disabled veterans, and very extensive means were taken to find suitable placement for them.

An interesting survey has been made by the Ministry of Labor of France as to the employment of war-pension holders in large industrial and commercial undertakings, showing the percentage of so employed in the various industries and trades, as influenced by nature and severity of disability.

A significant conclusion of the survey was that the output of war pension holders generally approximates to the normal, and that this result has to a large extent been attained by means of a judicious selection of work, sometimes by the employers, who have organized the work in a suitable way, and sometimes by the disabled men themselves, who have changed their occupation for a more suitable one. This survey also showed that more often the disabled men under consideration hold lower and less well-paid posts than those which they occupied before the war, and that therefore such disabled veterans have been able only partly to escape the consequences of their wounds and disabilities, most of them having had to go down to a lower occupational and wage level, although their output of such lowered occupations appears to be on a par with that of other employees.

#### ITALY

Positions becoming vacant in public administrations should be assigned in certain proportions to disabled ex-servicemen, without competition. Proportions of posts so assigned vary, according to the nature of the posts to be filled, from one-tenth to one-half of the available posts. The same policy is in effect as to all private employers, to the end that a certain percentage of the employees of each employer must consist of war disabled veterans. Failure to adhere to such percentages subject the employer to severe fine. At least 5 percent of all employees in addition to the first 10 must consist of war-disabled veterans. The Provincial Employment and Unemployment Council coordinates the placement of veterans, and sees to it that the law is made effective.

Veterans and disabled veterans are given exclusive preference relative to the development of certain State projects, such as the development of the Mucatine Marshes near Rome, etc. These laws are reported to work out very effectively, and the percentage of unemployed ex-servicemen in Italy is reported to be very small.

#### POLAND

Employers of labor in agriculture, commerce, industry, and transport shall employ 1 disabled man affected by a severe injury for every 50 manual or non-manual workers employed, through the public employment exchanges, as to the veterans in the areas formerly under the Governments of Russia, Austria, and Germany. Failure to comply with the law subjects the employer to prosecution and fine.

#### YUGOSLAVIA

War orphans, children of disabled persons, and other beneficiaries under the Pension Act shall be entitled, when their qualifications are equal, to priority of admission into all public establishments in which the pupils are maintained wholly or partly at the expense of the state, or of the public authorities.

Disabled veterans and veterans and war orphans shall be entitled to priority over other candidates in case of appointment to public office.

Disabled persons may not be dismissed, nor may their applications be refused by reason of their loss of physical capacity, provided that they can perform the regular duties connected with the post for which they are applicants or which they already hold, without danger to themselves or others.

Disabled persons, officers of the Regular Army, military officials, and regular noncommissioned officers shall be maintained on active service with the troops, or in the administrative services of the Army, if it is proved by medical examination that they are still fit to perform their duties.

Disablement shall not be a bar to promotion.

Disabled persons shall be appointed to posts not requiring particularly strenuous work or previous preparation or to the posts which they held prior to disablement.

The communes named by the Minister of Social Welfare and the provincial authorities shall be bound to employ disabled persons resident in the commune or province, to the extent laid down in a regulation of the Minister of Social Welfare after agreement between the provincial authorities and the provincial association of disabled men.

The Minister of Social Welfare shall grant subsidies to beneficiaries under the present act and to professional associations of disabled persons, in order to enable the said persons or associations to obtain or to improve an independent economic situation.

Severe fines are imposed for violation of the act, by the appointing officer.

#### AUSTRIA

The war service of war-disabled men, employed under civil service, for purposes of promotion and pension, is doubled before being added to their civilian service.

Industrial undertakings of all kinds are bound to employ at least 1 man disabled in the war for the first 20 employees, and at least 1 further man disabled in the war for each additional 25 employees, provided that such privileged war-disabled employees must be disabled to the degree of 45 percent or more, or those disabled to the degree of 35 percent or more, who are unable to find employment without the assistance of such preference status.

In undertakings where more than 80 percent of the workers are women, war widows entitled to compensation under the War Pension Act shall be taken into account up to half of the compulsory number.

A compensatory tax is imposed upon those employers, based upon the number of such disabled veterans which they have failed to employ in accordance with such law.

#### GERMANY

Every employer who desires to fill a vacancy among his employees shall be bound to give the preference over other candidates to a disabled man suitable for the post.

The Federal Minister of Labor has the power to order, subject to the approval of the Federal Council, that the Federal Government, the governments of particular states and other public bodies shall fill a specified proportion of their vacancies for employees, or certain kinds of vacancies, with disabled men.

The Federal Minister of Labor has the power to order private employers to reserve for disabled men in general, or for special classes of disabled men, certain kinds of vacancies for employees which are specially suitable for such men.

The Federal Minister of Labor also has the power to order that every private employer shall fill a specified proportion of his vacancies with disabled men, whereupon he shall not fill the vacancy on his own account, unless the central welfare office fails to inform him of a suitable disabled man within 6 days of the notification of vacancy. Such compulsory employment of disabled men applies as to those who have been rated as disabled to the degree of 50 percent or more, by reason of disability incurred in service, or who suffering with service incurred disability of 33.33 percent have been unable, because of such disablement, to secure employment.

Every employer is bound to install and maintain work rooms, plants, machines, and tools of such kinds and nature, in conformance with his particular undertaking as may be necessary to regulate the undertaking in such a way that the greatest possible number of disabled men may be employed therein.

Disabled men may not be dismissed by any employer upon less than 4 months' notice thereof.

Severe fines are imposed for each contravention of the law and regulation pursuant thereof, except the fine may not be imposed if the employer proves that at least 10 percent of his total number of employees consists of such disabled veterans.

A survey showed that the unemployment percentage for seriously disabled veterans was only 4.46 percent, as compared with the general unemployment percentage of 14.44 percent, in March 1924 as the result of such laws.

Ninety-five percent of the disabled veterans in employment are in receipt of full wage rates fixed by collective agreement their average output being about 60 to 75 percent of the normal average, in spite of suffering with disability of more than 50 percent average.

Although the methods for obtaining the objective had not been the same in other countries, or in any two countries, it does most certainly appear that there has been a much more serious effort to provide the opportunity for employment, both through governmental agencies, and through private employment, for war veterans, and for disabled veterans, in most other countries, than has been the case in the United States.

This material has been submitted to establish that there is ample justification for enacting into law the provisions of H. R. 6497, in the amended form which we have submitted in my testimony.

By comparison with the laws in effect in other countries, it will be noted that there is a precedent for practically every provision embodied in H. R. 6497, and it is our contention that this bill does not in effect go nearly as far in guaranteeing preference of government employment to veterans as do the laws of any other country, and that therefore this bill, by comparison, is mild in its provisions.

H. R. 6497 ought to be enacted into law during this session of Congress, lest the failure of the Federal Government to set a real example of extending preferred employment to qualified veterans and disabled veterans, should result in such comparative neglect of providing the opportunity for employment to war veterans, that their increasing unemployment should impel the necessity of much more extensive pension legislation.

Mr. RICE. Mr. Chairman, that concludes my statement, except if certain portions of this bill be attacked I would like, having worked on it a great deal, to have an opportunity of making a further statement concerning it.

The CHAIRMAN. Well, if the committee feels it is necessary or deems it desirable to have you reply to certain attacks upon the bill, we will be glad to have you do so.

Senator LANGER. How extensive, how many pages are there of these executive orders in that pamphlet?

#### STATEMENT OF KENNETH C. VIPOND, ASSISTANT CHIEF EXAMINER, CIVIL SERVICE COMMISSION

Mr. VIPOND. I do not know. It carries the current laws and Executive orders governing veterans' preference. This is our information pamphlet that we give to persons inquiring about the rights of veterans.

Senator LANGER. I cannot see any objection to putting whatever the Executive orders are right into the law.

Senator BYRD. I think if we had time to go into it fully, but you would have to determine whether or not the committee would approve of the different Executive orders and it would take some time to do it.

Mr. RICE. I think it would slow it up and I do not see any good purpose served. Those Executive orders, I understand, that are inconsistent with this bill would automatically be canceled anyway.



Senator BYRD. In principle, Senator Langer is entirely correct. It is just a question how long it would take to study them.

Senator LANGER. I think, myself, we ought to put them in.

The CHAIRMAN. Is the Military Order of Liberty Bell, Mr. Johnson, here? What is the nature of your organization?

**STATEMENT OF WALTER JOHNSON, CHAIRMAN, NATIONAL LEGISLATIVE COMMITTEE, MILITARY ORDER OF THE LIBERTY BELL**

Mr. JOHNSON. Mr. Chairman, we are an organization of men with honorable service, that is, service not limited to wars and nonwar periods. In other words, we are all servicemen as distinguished from any particular group of servicemen.

The CHAIRMAN. Do you particularly represent the members of the Regular Army?

Mr. JOHNSON. Not particularly; no. But we do have a great many members, in fact most of our officers are what we call Regulars.

The CHAIRMAN. Is your group then largely composed of men who have been members of the Regular Army?

Mr. JOHNSON. Yes.

The CHAIRMAN. You have a written statement that you sent me; have you not?

Mr. JOHNSON. Yes. However, I would rather touch on these points for a minute, if I can.

The CHAIRMAN. Do you want your written statement put into the record?

Mr. JOHNSON. As a supplement to my statement now; yes, sir.

Mr. Chairman, our objection to this bill goes to two points. The first point is that the bill excludes from veteran preference the men of the Regular Establishment who have had preference on a basis of equality for the last 80 years, since the first preference bill was passed. We now have it under the Executive order and we think it would be a serious mistake to take that preference away or to leave us out of this bill. It is true that the bill does not disturb the existing Executive order, issued by President Hoover in 1929, but at the same time we want to come in under the statute. We believe this is a job for Congress and not for the executive branch. The executive branch might very well within a year or two wipe that order out and that would leave the men on the Regular Establishment out in the cold.

We think and we strongly urge that the bill be amended by striking from section 2 on page 2 the words [reading]:

during any war or in any campaign or expedition (for which a campaign badge has been authorized).

That appears on line 18, page 2, and on line 22 and also on lines 3 and 4 of page 3. If those words can be stricken, we think the bill is very fine and it ought to be enacted.

The CHAIRMAN. Now, Mr. Johnson, can you tell us about what is the total number of men who have been members of our Regular Military Establishment, but who have not had actual experience in war or in expeditionary forces?

Mr. JOHNSON. No; I cannot. Of course, that is a group that varies greatly through the period of years. Sometimes we have a very small



Army and a very small Navy and there are not many men involved, and then again, probably after this war, we will have a great many men.

Senator BYRD. I asked Mr. Flemming this and we discussed it the other day and I understand this language was in the present law, "or in any campaign or expedition for which a campaign badge has been authorized." Isn't that in the law?

Mr. JOHNSON. In the Executive order; no, sir. There is no discrimination whatsoever as to the men on the Regular Establishment in the Executive order or in any other preceding act of Congress. This is where it begins, right here.

Mr. FLEMMING. It is correct, Mr. Chairman and members of the committee, that the Regular veterans at the present time are covered by the veterans' preference provisions of the basic law and the Executive orders.

The CHAIRMAN. Even though he has not had actual experience in war?

Mr. FLEMMING. That is right.

Mr. JOHNSON. May I now point out, even though they have not had actual experience in war, they have served the Government honorably and faithfully for at least 3, 4, years, up to 30 years or more. They are men thoroughly tested and tried under the most trying circumstances.

The military service has a far higher standard than civil service. If a man goes through that and comes out with an honorable discharge, he is certainly a man who ought to be qualified in all respects for a civil-service job.

There is the additional point that the man who served the Government in the Army or Navy is in the nature of an employee when he comes to the Civil Service Commission for a job, and he is the same as a man who has always served the Government. He is coming back for reemployment, so to speak, and he ought to be given some preference. Certainly all private employers do that.

Then there is another point.

The CHAIRMAN. Let me intervene to ask Mr. Flemming a question.

Mr. Flemming, what preference rights would a member of the Regular Army who had not had war experience have under existing Executive decrees?

Mr. FLEMMING. He would have 5 points added to his earned rating, or 10 points, as the case might be, just as in the case of a person who had served in a war or in an expeditionary force for which a campaign badge had been authorized. There is no distinction.

The CHAIRMAN. Would he also have his name placed at the head of the list under the regulations?

Mr. FLEMMING. He also has that right. There is no distinction as of the present time between the two groups.

Mr. JOHNSON. There is no discrimination of any kind now existing against the Regulars.

The CHAIRMAN. You mean they are still judged by the same standard as the wartime veteran even though we pass this bill?

Mr. FLEMMING. No; that is not so.

The CHAIRMAN. That is what my question is directed to.

Mr. FLEMMING. No, Mr. Chairman; under this bill the regular veteran that Mr. Johnson is talking about would not be extended prefer-

ence, that is, the person who files in the future for a civil-service examination would not be given the 5 points and 10 points and put at the top of the list.

The CHAIRMAN. Well, then, this bill in effect does repeal the existing Executive orders in that respect?

Mr. FLEMMING. That is right. The thing it does not do is this: Let me take the case of Mr. A, who in the past came into the Federal service. He is a regular veteran and he has been extended preference and is still serving. Now, if it became necessary in the agency in which he is serving to put into effect a reduction-in-force program, he would be regarded as a veteran in the development or the building up of the reduction-in-force list. Section 18 has the effect of not taking away from him that which he has already been granted.

The CHAIRMAN. It has become a vested right, in other words.

Mr. FLEMMING. Section 18 would protect that.

The CHAIRMAN. Mr. Johnson, do you have some other points you want to raise here?

Mr. JOHNSON. Yes; I want to emphasize this proposition, if I may.

This is, of course, not the Military Affairs Committee. But we do have a Regular Army and Navy and upon that we must rely to develop our defenses through the years. From the last war until this war we took our Army and Navy in terms of pay and disability protection way down below the C. C. C. camps. As a result, long before we got into the war we could not get enough men, we had to draft them, the first time in our history in a nonwar period. The boys that had grown up to look upon the C. C. C. camps as the bare minimum would not go down even lower, that is, to the minimum of the Army.

This bill, if that discrimination is enacted against the Regulars, will have exactly the same effect after this war and the net result is going to be, if Congress goes along that line, that we are going to put a stop to our volunteer Army and Navy and we will have to go into the draft. In other words, Congress will be playing right into the hands of those who want to regiment the youth of this land into forced military service.

There is another point I want to make. I refer to page 5, line 17, stating a restriction of \$3,000 per annum placed upon certain jobs. I think that is far too low. If that is raised we will have veterans in the higher jobs and if veterans' preference is going to mean anything we are going to need sympathetic supervision in Government. In other words, if that salary is raised we can get veterans in there and we will have greater sympathy and veterans' preference will go over.

The CHAIRMAN. Thank you very much, Mr. Johnson. We will include your written statement in the testimony.

(The statement referred to follows:)

HEATHSVILLE, VA., May 20, 1944.

In re S. 1762 and H. R. 4115.

HON. SHERIDAN DOWNEY,

*Chairman, Committee on Civil Service,*

*United States Senate, Washington, D. C.*

MY DEAR SENATOR: Herewith, if you please, is a presentation on the above-styled bills.

Note we are opposed to it because of the fact it discriminates against the Regulars. We would like to fully present our cause orally but we recognize the limitations of time would not so permit. The committee has already given 2 hours

to proponents and has allotted 1 hour on Tuesday to both proponents and opponents.

We think this bill merits the fullest possible consideration by your committee. The fact that the House went into a stampede on this measure and adopted it without hearings and without even discussing the discriminatory parts throws an extra burden upon the Senate.

The very fact that for 80 years veterans' preference has been applied without discrimination against the Regulars should stand as a warning to the Senate not to proceed too hastily.

I hope your honorable committee will reconsider its allotment of time and will be able to give opponents of the bill 2 hours of time for oral discussion. The committee has given proponents 2 hours and now proposes to allot 1 hour to both proponents and opponents.

Sincerely yours,

WALTER JOHNSON,  
*Chairman, National Legislative Committee,  
Military Order of the Liberty Bell.*

HEATHSVILLE, VA., May 20, 1944.

PRESENTATION OF THE MILITARY ORDER OF THE LIBERTY BELL ON THE COMPANION  
BILLS H. R. 4115 AND S. 1762

Yesterday at hearing the chairman announced that 1 hour would be given on Tuesday (May 23) to hearing some eight organizations and be granted permission to file written presentations. Pursuant thereto we file this presentation. At the same time we believe this proposal is of such far-reaching importance to our country as to merit full and complete hearings and study by the full committee.

Our organization, now 2 years old, is composed of men with honorable military or naval service and most of us have served long. We firmly believe in preservation of the American way; of the way charted for us by those who have gone before. It is the way under which our armed forces are manned by men serving voluntarily. Free men serving because they want to serve.

Since initiated 80 years ago, veterans' preference has applied equally to all men with honorable service. That equality and fairness is found in every enactment of Congress and in every Executive order. Now in this bill Congress is asked to depart from that fairness; it is asked to discriminate against the men of the regular establishment.

Section 2 in subsections 3 and 4 of this bill defines "preference eligibles" as men who served in a war or a "campaign," thus discriminating against those of the Regular Establishment who render honorable and faithful service. It takes from the Regulars that which they have enjoyed for 80 years. It would make the Government the meanest employer in this land by causing it to refuse to consider previous credible service. It strikes at the very core of voluntary service.

This discrimination is bad for two reasons. First, because Government ought not discriminate against any individuals. Second, because the discrimination strikes at the principle of voluntary service and opens the door to regimentation of youth and forced military service. If Congress intends to follow this war with regimentation of youth and forced military service it might well enact this bill with this discriminatory feature. On the other hand, if Congress intends to preserve the American way this discrimination must be rejected.

Men of the Regular Establishment who have entered Government service are rendering splendid service. They are good employees. Not a single one can be found in the ranks of those in Government seeking to destroy and wipe out the American way. Every last man is loyal to the very core; they are loyal to the Constitution of the United States in every sense of the word. Government can get no better men than those whose fidelity has been tested in the military or naval service. None of those men adhere to the principles of the European "isms."

Every employer in this land gives reemployment preference to those who have previously given him good service. He does so because it is good business; he knows the records of those who have previously served him. Government can do no less than that. It would be shameful for Government to treat as strangers men who have previously rendered honorable and faithful service.



Those defending this discrimination against the Regulars say this bill takes nothing from the Regulars because they are left under the Executive order. True enough. But the Regulars, too, want exactly the same preference and want it under statute as distinguished from Executive order. We are grateful to President Hoover for issuing that fine and fair Executive order in 1929 and which is utterly devoid of discrimination against the Regulars. At the same time we believe in government by law as distinguished from government by decree.

Looking into the future it must be clear that our defense equipment will be highly technical. Men with a high order of intelligence and technical skill will be required. To get those men on a voluntary basis they must be fairly treated. They cannot be expected to serve in the required number if they are to be discriminated against.

Let Congress recall the immediate past. Between wars we reduced the personnel of the armed forces to the lowest possible economic level. We reduced those men to an economic level far below that of the Civilian Conservation Corps camps. Then came war clouds. Men were needed and they wouldn't volunteer in sufficient numbers. Youth raised to look at the Civilian Conservation Corps camps as the lowest reasonable economic status declined to accept the much lower economic level of the soldier. For the first time in our history in a nonwar period we drafted; we took the willing and unwilling. Then the Japs struck. They struck because they dared to. After considering our armed forces the Japs thought they could whip us. We are in this war only because our enemies thought they could whip us. That ought to teach us a lesson.

While we are strongly opposed to this bill because of discrimination against the Regulars we would be favorable to it if that discrimination is removed. It can be removed by amendment. Certainly the Senate ought not be stampeded into enactment of this highly discriminatory measure so vital to our country. The Senate should protect the country from the wild stampede in the House by which it (the House) passed H. R. 4115 without one iota of discussion of the highly discriminatory feature.

In conclusion let us again urge against hasty committee action. The discriminatory feature this bill warrants the very careful consideration of the committee because of the far-reaching effects. We urge the committee to set aside at least 2 hours at a time certain to hear this organization and the others who oppose the discriminatory feature of the bill.

Respectfully submitted.

WALTER JOHNSON,  
*Chairman, National Legislative Committee,  
Military Order of the Liberty Bell.*

The CHAIRMAN. The next witness is Mr. Alifas. You are the president of District No. 44, International Association of Machinists and, as I understand, you reside here in Washington?

**STATEMENT OF N. P. ALIFAS, PRESIDENT, DISTRICT NO. 44,  
INTERNATIONAL ASSOCIATION OF MACHINISTS**

Mr. ALIFAS. Yes, sir.

Mr. Chairman, gentlemen of the committee, I have reduced my comments upon the bill to writing, and if your committee cares to save time I will be glad to insert it in the record, if I might be permitted to read the last paragraph.

The CHAIRMAN. That will be entirely satisfactory.

Mr. ALIFAS. I would like to introduce also into the record a few papers in order to make my story complete.

You know, I represent a group of people who are not benefited by being included in this bill. We have tens of thousands of Government employees and we have hundreds of thousands of munitions workers in the United States who also would like to have an opportunity to make a living after this war. We fear that this practice of dividing the working population of the country into two rival camps, as to who is going to have an opportunity to work and live, is not even good for the veterans.



As a humble witness, I have a suggestion to offer, to which I hope the committee will give consideration.

I will preface my remarks by reading the last paragraph of my statement.

I would be among the last to oppose legislation unless I thought I had something better to offer in its place. I have spent much of my lifetime in advocating causes which I felt were to the benefit of both the veteran and nonveteran; and if your committee is willing to give consideration to outlines of a plan which I have devised for total post-war employment, I shall be glad to submit it for your consideration.

This plan contemplates total post-war employment, not only for the working population, but for capital, under our present system of free private enterprise for profit, free labor with collective bargaining rights, and with Government machinery to protect the consuming public against abuses. It points the way to an economy of plenty and envisions paying off our huge national debt and the reduction of taxes.

It covers less than four typewritten pages, if you care to consider it.

The CHAIRMAN. I am sure that the committee members would be very glad to have a copy of these recommendations themselves, but I do not believe it would be appropriate for us to attempt to consider them here as a part of this bill.

Mr. ALIFAS. I meant to put it in the record for the consideration of the committee.

The CHAIRMAN. Well, I do think that you should have that placed in some record, but I doubt if it would come under this veterans' preference bill. After all, we are not dealing here with the general problems of reemployment after the war. It is really not pertinent to this bill.

Mr. ALIFAS. I implore the committee not to be too hasty about reporting out this bill. You know, there is such a thing as acting in haste and repenting at leisure. If this matter could have some consideration it might be possible to work out something that would enable all groups to work together instead of having the population divided into two rival camps for the next couple of generations. It is going to cause an unending amount of friction if this preference, as provided now in Government service, is going to be extended to private industry as advocated by the President.

The President, in his message to Congress on this measure, stated that he wants this bill to be a precedent to be established by the Government to be applied by private industry. I am sure the millions of people in private industry are not yet aware that they are being divorced in the future from prospects of having a job, that they will be the first to be laid off and the last to be taken on; and they are not going to like it when they find it out.

The CHAIRMAN. As I understand it, you first want to present to the committee your contention that it is a mistake to divide our society into two groups, the veterans' group and the other groups, and to provide preferential employment by the Government for veteran groups?

Mr. ALIFAS. Yes, sir.

The CHAIRMAN. I think you have made that point entirely clear and I think all of us can of course see the implication that flows from that.

Now, you state to us in the second place you do have some sort of a statement in which you express your own ideas as to the best way of employing us all in the post-war era, so that neither the veterans nor

the rest of the population will have to worry. I will be happy to submit the question to this committee.

Senator BYRD. Do you think it should be included in this record?

Mr. ALIFAS. I think there should be no objection to it.

Senator LANGER. It would do no harm.

Mr. ALIFAS. It would do no harm and it might do some good.  
[Laughter.]

You gentlemen are accustomed to listening to the views of your colleagues with which, to say the least, you are not entirely in agreement, and that produces a spirit of tolerance.

Senator BYRD. We are very much interested in it. I think it is a very important question.

Mr. ALIFAS. One more thing. This may be going a little beyond the pale and if you turn me down I shall not feel hurt.

Anyone who devises a plan for total post-war employment should have some sort of notion of the appropriate administrative set-up for administering it. I have devised a chart along that line.

The CHAIRMAN. May I see the chart? It is rather difficult for the Printing Office and rather expensive and burdensome to have that placed in the record.

Mr. ALIFAS. They have a photostatic apparatus over there and machinery for quickly reproducing charts; and it might be put in as a folding chart. I shall not be too displeased if you do not do it.

The CHAIRMAN. We can consider that in executive session.

Mr. ALIFAS. Thank you very much, sir.

The CHAIRMAN. We are pleased to have you here. At this point we will place in the record the two statements that you have given us.  
(The statements referred to follow:)

MAY 23, 1944.

Mr. Chairman and gentlemen of the committee, my name is N. P. Alifas. I desire to appear this morning in my capacity as president of district No. 44, of the International Association of Machinists, which comprises members of our association employed throughout the Federal service.

It is with deep regret that I find it my duty to appear before you this morning in opposition to the so-called veterans' preference bills which your committee is considering, S. 1762 and H. R. 4115. I say this because, usually, when appearing before your committee, it is in support of pending legislation.

I have read these two bills very carefully and believe that, if this legislation is enacted substantially in the form in which it is now written, the future security of employment for the hundreds of thousands of Government employees who have no military service to their credit will be seriously menaced. These bills, in fact, go so far in giving preference to ex-service men and women and their families, both in getting into the service and in remaining in the service, that for all practical purposes American citizens without military service may as well seek other employment if now in the service, and refrain from making application for Government positions in the future.

These bills not only give specific preference to ex-service men and women and certain members of their families, but the President is authorized to promulgate such Executive orders as will extend additional preference, not provided for in the bills, to veterans. When the President's attitude on this question is considered (coincident with this endorsement of the Starnes bill, H. R. 4115) as disclosed in his letter of February 26, 1944, to heads of executive departments and agencies, there is no doubt but that rules and regulations will be promulgated from time to time which will have the effect of ultimately eliminating from the Government service most nonservice employees, and filling their positions with ex-service men and women and their families. In that letter, the President says:

"I have instructed the Commission (Civil Service Commission) to notify me, through the Liaison Officer for Personnel Management, of any reluctance upon the part of particular departments or agencies to adhere to these instructions relative to the reemployment of returning veterans. The Federal Government's

record in this regard must be one which will constitute an example for all employers."

It is doubtful whether the millions of American citizens who at present are engaged in turning out munitions of war, are as yet aware that henceforth they will be systematically discriminated against in their search for a means of livelihood, and their places filled by ex-service men and women and their families: because if this government policy is to be extended to private industry to the extent that the President is able to make it effective, American citizens who during the war were confined to working in war industry and elsewhere, and have no military service to their credit, will be the first to be discharged and the last to be employed for the next generation or two.

To be sure, these bills provide that absolute veterans' preference to the exclusion of all others in certain lines of work is to terminate 5 years after the termination of the present war, but who believes that once the veterans have become entrenched in these positions to the exclusion of all others, that the rights of other citizens to obtain employment will be restored to them. In many respects, these bills give preference only in the filling of vacancies and retaining employment, but they also provide for the vacating of positions where the position has been filled within the last 3 years, so that these positions may be filled by veterans.

All Americans are deeply interested in establishing a post-war economy which will provide employment for every man and woman able and desiring to work; and to make sure that members of the armed forces, when the war is all over, shall be provided employment without fail.

However, the idea of creating in the United States after this war a preferred class of citizens, is repugnant to our entire concept of government. We have been accustomed to believe as Americans in the principle of equality of opportunity, equality before the law, equal rights for all and special privileges for none.

With all of the natural resources, industrial equipment, skilled personnel, and an immense reserve of purchasing power in the form of Savings and War bonds at our disposal, it should be possible to provide a post-war era of "plenty", instead of starting out by creating friction which will be endless for a generation or two, between the elite preferred citizens and the citizen who during the war was confined to working in war industries and elsewhere.

The founders of this Republic were opposed to the creation of a military caste in the United States. Thomas Jefferson, in writing the Declaration of Independence, said: "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness."

The preamble of the Constitution reads: "We, the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquillity, provide for the common defense, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America."

I predict that if this bill should pass, the millions of American citizens who will have been divorced from their means of livelihood thereby, are not going to like it when they find out about it. It may take several months for the news to get around, but when the lay-offs begin to take place and these working-people find that they are to be the first to be laid off, and are always at the end of the line when it comes to securing other employment, they are sure to feel that their interests have not been protected.

But why enact legislation which will divide the working population into two major rival camps, the preferred citizen and the nonpreferred citizen, when it should be possible to so organize our economy as to give employment to all. The working population would much prefer to unite in a cause which looks after the interests of everyone, rather than have themselves divided into two factions with one keeping all of the advantages for itself.

I would be among the last to oppose legislation unless I thought I had something better to offer in its place. I have spent much of my lifetime in advocating causes which I felt were to the benefit of both the veteran and nonveteran; and if your committee is willing to give consideration to outlines of a plan which I have devised for total post-war employment, I shall be glad to submit it for your consideration.

This plan contemplates total post-war employment not only for the working population, but for capital, under our present system of free private enterprise for profit, free labor with collective bargaining rights, and with Government machinery to protect the consuming public against abuses. It points the way



to an economy of "plenty," and envisions paying off our huge national debt, and the reduction of taxes.

MAY 18, 1944.

#### TOTAL POST-WAR EMPLOYMENT

During the trough of the depression in 1932 and early 1933, there were 14,000,000 unemployed with approximately 40,000,000 persons without visible means of support; and the total income of the people of the United States under "private enterprise" unaided by Government, hit the low in national income of at the rate of \$38,000,000,000 per annum. Under "pump priming" Government spending, this rate of income was lifted to 58,000,000,000 in the early part of 1936 to nearly 71,000,000,000 in 1939. Then, under Government spending in the letting of contracts in our "preparedness for war" program and during the war, the national income was further lifted to the all-time high of 142,000,000,000 for the year 1943 (figures supplied by Department of Commerce, January 9, 1944). The rate of income at the close of 1943 was much higher, about 149,000,000,000.

Government spending, with the resultant increase in the national debt, is but a temporary expedient to solve the unemployment problem. Our American economy must be made self-sustaining.

Oxygen was used for breathing purposes long before it was discovered as an element; similarly, devices have been used in stimulating industry, before the real reasons for their efficacy was discovered.

The assertion that "capital is timid, goes into hiding when menaced, and will not reappear until its safety is assured," long since has been accepted by both capital and political parties. This premise was used as an argument to justify "protective tariffs," and the enactment of other laws to bolster up "infant industries," half a century ago.

Capital is equally timid today. Any plan to develop full employment in the post-war period will fail, unless this fear is taken into account. If this fear is removed or minimized and a plan is developed which will provide an all-inclusive schedule of production, transportation, and distribution of consumer and capital goods, employment will be available as fast as the working population and competent managements can be trained.

Any plan of total post-war employment, to be successful, must embody among others, the following characteristics. It must:

(a) Be reasonably acceptable to the various elements of the population such as employers, labor, farmers, retailers, and professional men.

(b) Not deviate too widely from the present and "previous to the war" American economy, which involves continuance of "free private enterprise for profit," "free labor" with collective bargaining rights, and Government machinery to protect the public against abuses.

(c) Remove fear from capital, labor, farmers, business and professional men, and consumers.

(d) Avoid as far as possible a costly shifting of population in providing work, and use existing plants, present managements, and existing Government departments and agencies, to carry forward the production program. This will minimize opposition and make for economy in the initial operation.

The basic obstacles which stand in the way of total post-war employment are first, "fear" of capital, and secondly, lack of a comprehensive plan for mobilizing industry.

Fear: Financial pages of the daily newspapers disclose that investors and industrialists are obsessed with many fears which cause them to hesitate to invest and operate industry. They fear a long war, a sudden peace, wait to hear what Congress is going to do about taxes and other matters, what the President is going to do, what he is going to say in some forthcoming radio talk, whether certain strikes will occur, how they will be settled, etc.

These fears, however, appear to be almost entirely eliminated insofar as their effect on production is concerned, when contracts are let by the Government in production of war materials, and contractors are provided an approved design, money to carry on production, priorities on materials used, and assured a reasonable profit. Thus, a procedure has been applied but not heretofore "discovered" (by those who are worrying about post-war investments and employment) which enables industry to operate efficiently regardless of its fears. On the other hand if industry were called upon to furnish these war materials without Government guaranties investors would hesitate to tie up their money in enterprises turning out articles which might be left on their hands unsold in favor of articles turned out by competitors.



Plan: Some people shy at the term "planned economy"; yet, in a complicated economy such as ours, planning by somebody is indispensable, whether the planner is the Government, industry, farmers, labor, or any combination of these elements. At present, our country possesses the adequate natural resources, industrial equipment, skilled population, and an immense purchasing power in the form of Savings and War bonds, necessary to create a post-war era of plenty. The problem which confronts us is to so correlate these factors into a self-sustained economy, as to make it work to the benefit of all, instead of subjecting the population to a mopping-up process of available purchasing power by that portion of our financial and industrial speedsters who may succeed in gaining the upper hand in a free-for-all economic contest; following which, the game will stop, as soon as the available purchasing power is siphoned off and the proceeds come to rest in our banks and repositories.

Income spent on consumers' goods will generate purchasing power at the ratio of about one to five in the course of a year. Money invested or spent on capital goods creates purchasing power at a slower rate. Guaranteed production through systematic planning, and routing it through to the consumer, avoiding scarcities, surpluses, and bottlenecks, will effectively generate purchasing power, complete the cycle, and make our economy self-sustaining and self-perpetuating.

In view of the above outline of the problem, a plan of total post-war employment is suggested, as follows:

1. Existing Government agencies for war production, price control, and others having to do with transportation and distribution of goods for war purposes should be assigned the job of also producing peacetime consumer and capital goods; and let contracts for their production with delivery made to the Government and subsequent distribution to the consumer through sale to the wholesale and retail trade, with fixed ceiling prices where deemed essential.

2. An analysis should be made by these Government agencies of the requirements of the American people for the proximate future, say a year ahead, to determine the kind and quantity of goods demanded by the public. With this information at hand, contracts should be parceled out to industry in proportion to their respective capacities.

3. War industries, which might otherwise be scrapped when the war is over, could be offered appropriate contracts for production of peacetime goods, thus avoiding the financial risk and delay involved in their research for a line of goods to produce and a market.

4. Agricultural products could be treated similarly. A detailed survey should be made of the country's agricultural needs; and each farmer or producer could be assured in advance of planting that the Government would purchase his crop, with a stipulated maximum quantity and a minimum in price, and the possibility of the Government purchasing larger quantities at equitable prices, if the crop is larger than expected. The Government would then resell these crops to processors, wholesalers, retailers, or route them through other existing channels of trade, on their way to the ultimate consumer, with ceiling prices, if found necessary to keep down the cost of living.

5. With millions of returning soldiers, sailors, and marines to civil life and the major portion of wartime industry converted to peacetime production, it should be possible to gear our economy to a \$160,000,000,000 per year production schedule, at the present level of remuneration and prices.

6. Existing revenues, appropriations, and war materials on hand can be used as a revolving fund to finance the plan.

7. The Government should charge a sufficient commission for this service rendered, to meet the cost. If found desirable, the Government could enter into the spirit of the profit system by taking a profit and thus reduce the national debt and direct taxes. Care should be taken that this Government profit does not increase price levels.

8. Surpluses can be created to meet foreign trade requirements; and since under this plan the Government will acquire temporary ownership of the goods produced, it can set up a United States foreign trade corporation and engage in foreign trade on an equality with other countries where the Government controls foreign trade and uses the cartel system.

This plan, like the "positive drive" of mechanical engineering, presents a "sure fire" way of initiating production with minimum delay and carrying the process through to the consumer. Industry has not only shown a willingness to accept Government contracts, but seeks them with eagerness. The plan also has great flexibility. It can be made temporary or permanent; to embrace only standard consumer and capital goods for which we know a market exists; or extend

itself into new developments more or less speculative. It can be applied to only those industries which need a guarantee of customers for their products; or made to apply to all industry, but with varying degrees of application and controls. If this plan should be applied only to a substantial proportion of industry, the advantages of the purchasing power generated therefrom would flow to other elements of the population not specifically included in the curtailed plan, such as investors, bankers, colleges, and professional men, who would find gainful occupation in rendering services to a well paid and permanently employed population. This plan would not only furnish full employment for labor and farmers, but also for capital.

If the plan should be made permanent all cities and towns could be guaranteed their proportional share of production, either in the goods they are presently producing or in their equivalent. This would give not only security to capital invested but also to labor; and laboring men can then purchase homes without risk of loss of employment or shifting of place of employment, thus initiating a Nation-wide home building boom.

It is estimated that under current tax legislation the Federal Government will collect \$43,000,000,000 in 1944. When this is subtracted from a national income of 142 billions we have left about \$100,000,000,000 to maintain our standard of living, including purchase of War bonds. If this plan can generate \$160,000,000,000 national income annually, with normal Federal expenditures reduced to \$20,000,000,000, and the standard of living raised to cost \$100,000,000,000 (purchase of War bonds will have discontinued), we will have \$40,000,000,000 surplus to apply to paying off the public debt which the President claims may reach 285 billions by July 1945.

While this plan will need controls, it need not interfere with the independent operation of business or other self-employment. No industrialist will be compelled to accept a contract, nor will labor, farmers, or professional men be compelled to render service against their wills. Their self-interest will furnish sufficient incentive.

Experience with this plan will disclose shortcuts and improvements leading to economy of production, thus lowering prices or increasing incomes.

As the national debt is being paid off from surpluses, money thus returned to War bond holders will in due time be used for investments or to purchase goods, furnishing fuel to keep industry going; and when the debt is paid off surpluses can be used to finance liberalized Social Security laws, make public improvements, increase incomes, and shorten hours of labor.

Respectfully submitted.

N. P. ALIFAS,

*President, District No. 44, International Association of Machinists.*

The CHAIRMAN. I have a short statement from the National League of Women Voters that I will read to the committee:

NATIONAL LEAGUE OF WOMEN VOTERS.

*Washington, D. C. May 23, 1944.*

To: Senate Committee on Civil Service.

From: National League of Women Voters.

Re: Veterans' preference in civil service.

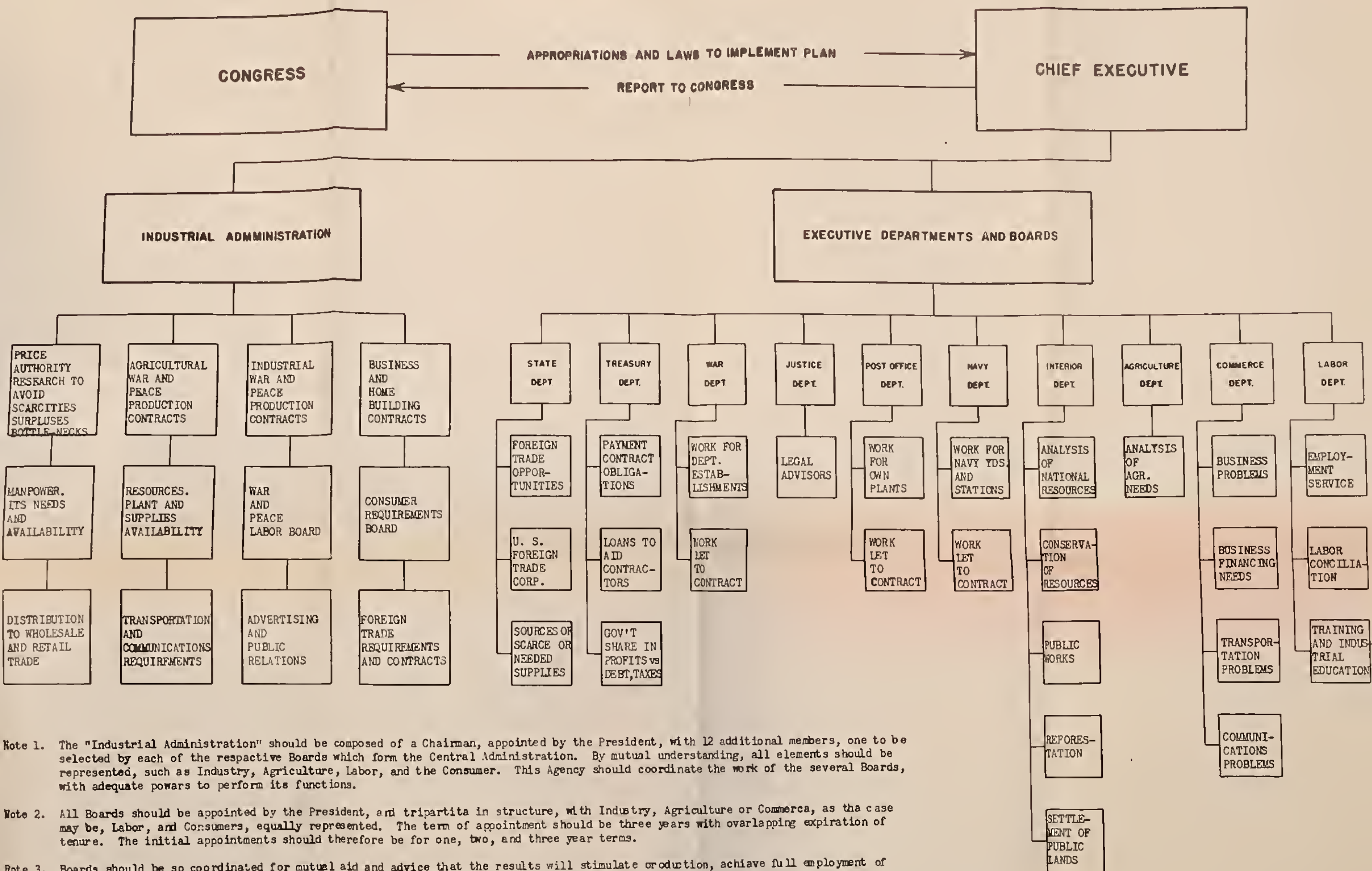
One of the principal concerns of the National League of Women Voters over a long period of years has been the establishment and maintenance of sound systems of personnel administration at each level of government. It has long been our contention that the Government service should not be considered a haven for political workers or for veterans but on the contrary should attract the best-qualified persons. Government has become such an important factor in the lives of citizens that it must be administered efficiently and with favor to none.

When there is a choice between two equally well-qualified persons, it seems reasonable that a person who has served in the armed forces should be given preference. We do not believe, however, that veterans should be given a monopoly of Government positions or that unqualified ones should have preference over well-qualified civilians. We, therefore, urge your committee to require that all veterans receive a passing grade on examinations before preference points apply. This is especially necessary in the case of disabled veterans who receive a 10-point preference and are then jumped to the top of the eligible list.

Respectfully submitted.

ANNA LORD STRAUSS, *President.*





Note 1. The "Industrial Administration" should be composed of a Chairman, appointed by the President, with 12 additional members, one to be selected by each of the respective Boards which form the Central Administration. By mutual understanding, all elements should be represented, such as Industry, Agriculture, Labor, and the Consumer. This Agency should coordinate the work of the several Boards, with adequate powers to perform its functions.

Note 2. All Boards should be appointed by the President, and tripartite in structure, with Industry, Agriculture or Commerce, as the case may be, Labor, and Consumers, equally represented. The term of appointment should be three years with overlapping expiration of tenure. The initial appointments should therefore be for one, two, and three year terms.

Note 3. Boards should be so coordinated for mutual aid and advice that the results will stimulate production, achieve full employment of both Labor and Capital, with just distribution of the product to the consumer, under fair wages, and reasonable profits. Each Board should have authority to render decisions within its jurisdiction to be accepted as authoritative by other Boards and agencies. Overlapping of authority should be avoided. This will minimize jurisdictional disputes among Boards, and stimulate the urge to make good.

Note 4. If jurisdictional disputes do occur, or clashes of personalities, resulting in undue delays or impasses, the President should settle the dispute without delay.

Note 5. Boards should be selected from the personnel of existing Boards, use existing office space, equipment, and Special and Civil Service Personnel to handle the job.

Note 6. The Boards noted in the boxes under the respective Executive Departments, may be organized in accordance with recognized Departmental procedure. These Departmental Boards should serve as supplemental agencies to create work, to furnish information and advice, serve the purposes of the "Industrial Administration" in the letting of contracts under policies laid down by the "Industrial Administration"; and perform such services involved in the "Plan", as their noted designations would indicate.

Note 7. Regional, and other subordinate Boards will be needed to handle details.

/signed *N. P. Alifas*  
N. P. Alifas



1. [Faint text] 1. 1911
2. [Faint text] 2. 1912
3. [Faint text] 3. 1913
4. [Faint text] 4. 1914
5. [Faint text] 5. 1915
6. [Faint text] 6. 1916
7. [Faint text] 7. 1917
8. [Faint text] 8. 1918
9. [Faint text] 9. 1919
10. [Faint text] 10. 1920



We have another question raised here in two telegrams. The first one reads as follows:

[Telegram]

ATLANTA, GA., April 6, 1944.

Senator DOWNEY,

*Chairman, Senate Civil Service Committee, Washington, D. C.:*

Have just noticed serious discrepancy in veterans' preference bill (H. R. 4115) reported by House committee. Bill as now stands would deny benefits to numerous enlisted men who ran afoul some officer or Navy regulation and were arbitrarily given undesirable-fitness or bad-conduct discharges by a commanding officer on the spot regardless of otherwise good record, disability, or even overseas service. Navy contends these are not dishonorable discharges, since such cannot be issued until after fair hearing by court-martial procedure. Nevertheless these arbitrary discharges give scope for varying interpretations and might preclude any chance of preference, under terms "served honorably" or "honorably discharged" as used in the bill. Therefore suggest amended section providing that those terms as used in the act shall mean "those ex-servicemen and ex-servicewomen" who have not received a dishonorable discharge.

J. L. BASS.

EAST POINT, GA.

The committee probably knows there is in the armed forces a discharge called "blue discharge," which takes neither the rating of an honorable nor dishonorable discharge, but is intermediate. That sort of discharge is given in the case of a man who may be in the guard house too often or is a slacker or has bad habits or whose service is not considered for the good of the Nation but whose bad conduct does not reach such a point that the armed forces want to give him a dishonorable discharge. Consequently he is given the discharge from the Army for the good of the service, that is not considered to be either honorable or dishonorable.

As I understand the bill—Mr. Flemming, you will correct me if I am wrong—a man who has had the blue type of discharge would not have any preference rights under this bill.

Mr. FLEMMING. If I am fully acquainted with the nature of the blue discharge, that is correct. In other words, the language "who has served honorably" has to be an affirmative showing he has served honorably in any branch of the armed forces before he is granted preference.

Now, we have another telegram from Mr. Deetz, as follows:

[Telegram]

LOS ANGELES, CALIF., April 15, 1944.

Senator DOWNEY,

*Chairman United States Civil Service Committee,  
United States Senate, Washington, D. C.*

Regarding service bill of discharged service men. It is requested that attention be given dishonorable discharged service men at the discretion of commanding officers in future service men's legislation.

J. L. DEETZ.

Senator BYRD. Do I understand, Mr. Chairman, the blue discharge is given to a slacker?

The CHAIRMAN. To a man who is not on his toes.

Senator BYRD. If that is the case, we do not want to give a slacker any preference.

The CHAIRMAN. I would agree with you.

Senator BYRD. I would like it clarified. If that is the case, that they give a blue discharge to a man who is a slacker, I certainly would not be willing to give him preference.

The CHAIRMAN. Very often a member of the armed forces who is lazy in his work, perhaps insubordinate, perhaps of bad habits, perhaps excessive drinking or otherwise displays undesirable qualities, he may be discharged out of the armed forces without either an honorable or dishonorable discharge, but merely returned to civilian life for the good of the service.

Senator BYRD. He should not be awarded then these preferences.

The CHAIRMAN. Here is another telegram which I would like to read:

[Telegram]

LOS ANGELES, CALIF., April 18, 1944.

HON. SENATOR DOWNEY,

*Chairman, Civil Service Committee,*

*United States Senate, Washington, D. C.*

Numerous ex-servicemen who received Navy undesirable and Army blue discharges because they failed to meet certain military requirements with time in service including overseas and some survivors of naval and army battles are complaining bitterly against the unfairness of the veterans' preference bill. I heartily agree that these several thousand men should not be discriminated against in any way because of the character of their discharge due to personal handicap which warranted medical discharges but due to existing regulations of Army and Navy were discharged neither honorably nor dishonorably but unfit.

CECIL R. WAGGONER.

I might say that in certain cases the Army and Navy give that type of discharge to a man who is sort of a psychopathic case that cannot get along with his fellow men in the Army or with his officers.

Mr. RICE. Lest there should be any misconception concerning the matter, it is my understanding under the language on page 2, lines 6 and 7, "those ex-service men and women who have served honorably in any branch of the armed forces", would indicate as long as they did not have a dishonorable discharge they would be eligible for preference.

Under sub-section 4 of section 2 it states an honorable discharge is required but those who were discharged with disability do not necessarily have to have what is called an honorable discharge in order to be entitled to preference under section 2 of this bill.

If there is any other interpretation, it certainly ought to be cleared up.

The CHAIRMAN. Mr. Flemming, you have this entire situation in mind, have you, and you can discuss it with us at the executive session?

Mr. FLEMMING. Our understanding ties in with what Mr. Rice has just said. We agree with Mr. Rice there has to be an affirmative showing of honorable service, that is right.

The CHAIRMAN. I was advised this morning by someone from the military service, from the Military Affairs Committee, that in the opinion of the Army anybody who had received a blue discharge would not be considered to have served honorably.

Mr. RICE. There is a distinction there. There are three different groups; those who have been discharged dishonorably; those discharged without honor, as in the case of some physical condition or mental condition; and those who have been discharged honorably. Those who have been discharged with some notation of a physical condition we consider to have had honorable service.

The CHAIRMAN. Well, I did not get that advice from the Army. They said they would not give the blue discharge to anybody they had

considered had served honorably. They only used it where they thought the man was not serving honorably.

Mr. RICE. I do not like to rise again on this point. It is true probably that the Army has made some mistakes in giving blue discharges to persons who were discharged actually because of a physical condition. The Army as well as the Navy has given assurance that where there has been a mistake in those special cases they will be glad to correct the mistake and issue a new certificate.

The CHAIRMAN. Of honorable discharge?

Mr. RICE. Yes; showing an honorable discharge.

#### STATEMENT OF D. R. WOLVERTON, NATIONAL EDUCATIONAL DIRECTOR, REGULAR VETERANS' ASSOCIATION

Mr. WOLVERTON. I have a short statement.

The CHAIRMAN. Yes, Mr. Wolverton.

Mr. WOLVERTON. Mr. Chairman and gentleman of the committee, the Regular Veterans Association is in favor of the bill, except we wish the honorably discharged ex-service men and women of the Regular Army to be included in the bill and on page 3 we have put in the following amendment, line 4: "(5) those honorably discharged ex-service men or women of the Regular Service."

Then on line 10, under section 2, and after (4) "add (5)."

That will give the regular veterans the five points preference, those who have honorably served in peacetime.

The Regular Army, Navy, Marine Corps and Coast Guard at the beginning of this war fought a holding action in Hawaii, on Wake Island, in Corregidor and Bataan, which probably saved Australia for us. At the beginning of the war the Regular Army is broken up into cadres to train these new men that are coming in, the volunteers and selectees that are to form our Army. We also go on maneuvers. We go on maneuvers to keep up the art of warfare and now that we are going to have a new Army after the war, it will be highly trained technically.

If you take away the provisions of allowing these men after they served from 1 to 3 years or longer the proposition of being entitled to preference in the civil service, there will not be the inducement for them to go into the Regular Army, Navy, Marine Corps, and Coast Guard as they have in the past. We have had that preference for 80 years and it seems as though it should not be taken away from us at this time.

I have a written report here and there are some other smaller points we want to bring up.

Section 8, page 6, delete line 12 to 25, inclusive, and add: *Provided*, That an appointing officer shall not appoint a nonveteran to any civil-service position so long as there is a veteran on the eligible list: *Provided, further*, That any appointing officer passing over an eligible veteran be required to give his reasons therefor in writing and that such be available for inspection by the veteran—page 7, line 1, delete "for".

Page 11, line 21, insert new section 17 to read as follows:

The Civil Service Commission shall be required to maintain an eligible list that is available for inspection by all eligibles on the list or their accredited representatives. The Civil Service Commission shall be required to keep these eligible lists up to date, and to have them published semiannually.



Renumber paragraphs 17, 18, 19, 20 and 21 on pages 11, 12 and 13 to read paragraphs 18, 19, 20, 21 and 22, respectively.

New section 21 (old section 20), page 12, delete lines 18 to 22, inclusive, and substitute:

Preference shall be given to ex-service men and women to any position or appointment which by the Congress is required to be confirmed by, or made with, the advice and consent of the United States Senate, Provided, however, That the provisions of this Act shall apply to appointments under—

I have examined the provisions of H. R. 4115, Seventy-eighth Congress, second session, a bill to give honorably discharged veterans, their widows, and the wives of disabled veterans who themselves are not qualified preference in employment where Federal funds are disbursed.

This is to advise you that the Regular Veterans Association believes that the ex-servicemen of the Regular service should be equally eligible and entitled to similar extra points as those who have a campaign badge, but who did not incur any disability therefrom.

To this end we request that the above-entitled bill be amended to include the following provisions:

1. Apply to all civil service positions.
2. Require that no appointment of a nonveteran be made to any civil service position so long as there is a veteran on the eligible list.
3. Require that an appointing officer passing over an eligible veteran be required to give his reasons therefor in writing and that such be available for inspection by the veteran.
4. Require the Civil Service Commission to maintain an eligible list that is available for inspection by all eligibles on the list or their accredited representatives.
5. Require that civil service eligible lists be published semiannually.
6. Make no distinctions between war veterans and veterans of the Regular service. All should be equally eligible and entitled to similar extra points for honorable service.

After this war we will have a Regular Army and Navy. One of the attractions that will help secure the proper type of men for the Regular Army and Navy will be veterans' preference in civil service. At the present time they have equal preference with war veterans. We strongly recommend that they be given the same preference in this bill, H. R. 4115. To eliminate the Regular veterans from this preference will considerably hurt recruiting for the Regular service after the war. The Regulars serve both in war and in peace and even in peacetimes they are often called on to risk their lives in campaigns and expeditions that are not classed as wars.

I am attaching a copy of H. R. 4115 marked in such a manner as to show the changes in the bill which would result in uniformity if enacted into law.

I sincerely urge the consideration by your committee of the proposed amendments and am hopeful that favorable action will be taken thereon, as I am certain, from the past record of your committee, that it is your desire in acting upon pending legislation to avoid manifest injustice in the case of any honorably discharged ex-serviceman.

The CHAIRMAN. Thank you very much.

Mr. Flemming, have you in mind now the position of the representatives of the various organizations on the amendments here offered?

Mr. FLEMMING. Do you want me to go into that?



The CHAIRMAN. Do you believe that should be taken up now before the executive session? I will be glad to discuss it now if you so desire.

Senator LANGER. Let us keep it for the executive session.

The CHAIRMAN. Mr. Flemming, the question has been asked, what is the status of officers discharged for the good of the service? Is that the same as applies to enlisted men?

Mr. FLEMMING. I think that is the way the discharge reads.

Mr. RICE. Mr. Chairman, I think we might be able to improve this situation as it has come up.

We might make several minor changes in line 7 on page 2 if we were to delete the word "honorably" and insert the word "actively." Then, if the man is receiving compensation or a pension from the Veterans' Administration, it would have been determined by them whether or not he had actively served and had service of the right type to enable him to receive compensation. That would take care of that point, that is, insofar as to the discharge the man received.

Then, if the word "honorably" in line 17 was stricken and the words "without dishonor" were inserted and if the words, starting on line 25, page 2, "honorably discharged" were deleted and the words inserted "actively without dishonor", then I think that will take care of those situations.

Senator BYRD. Those are very far-reaching amendments.

I would like to know exactly what the blue discharge is. If it is a dishonorable discharge, I am certainly not going to vote to give preference to anybody who was so discharged or is a slacker.

Mr. RICE. It is not a dishonorable discharge, it is a man discharged because of inaptitude or physical inaptitude.

Senator BYRD. It has been said a slacker comes under that. Certainly a Congressman will not give and does not intend to give a slacker the same standard of preference that he gives a veteran of the battlefields.

The CHAIRMAN. I was advised that in the opinion of the Army the blue discharge is never given to anybody who has honorably served. Let me put it in the reverse way. When a person has honorably served he is not given a blue discharge.

Senator BYRD. Don't you think we ought to get exactly what this discharge is?

The CHAIRMAN. I think it raises a very important question.

Senator BYRD. The amendments as offered by Mr. Rice fundamentally changes the intent.

Mr. RICE. May I call attention to the fact the privilege of hospitalization is given to those who have not been discharged dishonorably? It therefore gives an opportunity for hospitalization to ex-service men in need of it and who cannot afford to take care of themselves and for a non-service-connected disability unless he has had a dishonorable discharge. I think the same criterion might well be adopted by this committee.

On the first proposal, that is, as to actively served, the Veterans' Administration will have determined whether a man has had a service-connected disability.

Mr. FLEMMING. Might I suggest the confusion arises from trying to reconcile legislative language with existing administrative practices on the part of the War and Navy Departments?

It seems to me the language of the bill gives the Civil Service Commission the responsibility of not extending preference to a veteran unless there is an affirmative showing that he has served honorably in any branch of the armed forces. There rests upon us the responsibility of going back of a blue discharge, or any other color discharge that might be used now or at any future time.

It seems to us that the intent here is not to extend it to persons unless they have served honorably. Therefore, that places upon the Civil Service Commission the administrative responsibility of determining whether there is an affirmative showing of honorable service.

The CHAIRMAN. The Chairman is of the opinion that we probably should put this over to tomorrow morning for executive session and Mr. Pinion meanwhile can have some sort of a categorical order in conjunction with Mr. Flemming of the amendments considered.

Senator BYRD. Will you get the clerk of the committee to find out exactly what the blue discharge is?

The CHAIRMAN. Senator, I thought I might ask somebody from either the Army or Navy to be here to explain that to us in executive session.

Are there any other witnesses who desire to testify?

#### STATEMENT OF W. E. M. FLOYD, NATIONAL COMMANDER, REGULAR VETERANS' ASSOCIATION

Mr. FLOYD. I would like to talk about this blue discharge.

We have on record down at our office a blue discharge where a colonel has signed such a discharge.

That boy should never have been given a blue discharge, and we are trying to get it straightened out.

It seems to me from my Army experience, and I have had personal contact with the Army during this World War and I have seen two bombings of this war and my home bombed, that these officers in the armed services are giving too much leeway to the Medical Corps about discharging these men.

I believe it would be advisable for this committee to take up this question of blue discharges.

We could bring down to you the files from our office showing where this man should not have been discharged and was so stated by a commanding officer, but yet the blue discharge stands.

The CHAIRMAN. Well, I do not believe it would be the function of this committee to go into that question.

Undoubtedly there are mistakes being made by the Army and Navy in respect to these discharges. That is inevitable when you are dealing with hundreds of thousands of cases.

I have found the Army and Navy willing to review any cases in an attempt to rectify those mistakes.

I have no doubt there is a field of work there that ought to be done in order to bring greater justice and certainty into the discharges from the Army or Navy.

However, that is something that must rest with them. I am entirely in agreement with Senator Byrd that we should find out exactly what a man does or what is done in order to warrant the issuance of a blue discharge.

Of course, if mistakes are being made, that is a responsibility that falls on the armed forces and not upon this committee or upon the Civil Service Commission.

Mr. FLOYD. A mistake has been made here. This boy should be eligible for these 10 points for this preference. This man is being left out in the cold because of a discharge some officer determined and that officer never even saw this man.

Senator BYRD. There must be some method for review. That is the remedy, it seems to me.

The CHAIRMAN. Senator Langer has presented the matter here of the improper consideration of a case of one of its employees by the War Production Board. Senator Langer presented a motion here that a subcommittee be appointed to consider this particular case.

Senator MEAD, I would like to have you act as chairman of that subcommittee, with Senator Langer and Senator Aiken.

Senator MEAD. When?

The CHAIRMAN. I would say it is a matter that should be expedited.

Senator MEAD. No time has been set?

The CHAIRMAN. No. You will be the chairman of the subcommittee.

Senator MEAD. Does it involve legislation or disciplinary action?

The CHAIRMAN. Disciplinary action. They claim he did not receive, as a member of the civil service, a fair consideration at a hearing.

Senator MEAD. Are we establishing precedent for matters of this kind?

The CHAIRMAN. The committee already decided, Senator MEAD, to make the investigation. I do not know whether we were too hasty or acted improperly, but you will have to assume the burden of a mistake if the committee has made one.

Senator MEAD, you have been a comfort to this committee and particularly to the chairman, and if you can assist the chairman in this instance I will greatly appreciate it.

Senator MEAD. I have at least four or five thousand cases in my file. I would like to turn over those to a subcommittee to take up each one of those.

I will be glad to act as chairman if it is a suggestion of Senator Langer.

The CHAIRMAN. It is a suggestion of Senator Langer.

Mr. FLOYD. Mr. Chairman, can I take about 2 minutes in regard to the peacetime service?

As you know, members of the armed forces who have trained this vast Army for this global war have been no one but the peacetime men.

These men went on maneuvers before the war ever started and there was many a man killed.

I believe there should be some consideration of the peacetime veteran. I believe something should be done here to give them back their 5 percent or their 10 percent. It would make a better Army, Navy, Marine Corps, and Coast Guard, and those men who came out would be fitted for civil service.

As representing an organization which takes in peacetime veterans, I would urge you to consider what has been presented here in their behalf.

The CHAIRMAN. Thank you very much.

Will it be agreeable to go into executive session at 10 o'clock tomorrow morning?

Senator BYRD. It will be satisfactory.

The CHAIRMAN. Gentlemen, the committee will stand in recess until 10 o'clock tomorrow morning, when we will meet in executive session.

(The following was presented for the record:)



LOS ANGELES, CALIF., April 15, 1944.

SENATOR DOWNEY,

*Chairman, United States Civil Service Committee,  
United States Senate, Washington, D. C.:*

Regarding service bill of discharged servicemen. It is requested that attention be given dishonorably discharged servicemen at the discretion of commanding officers in future servicemen's legislation.

J. L. DEETZ.

ATLANTA, GA., April 6, 1944.

Senator DOWNEY,

*Chairman, Civil Service Committee, Senate Office building,  
Washington, D. C.:*

Have just noticed serious discrepancy in veterans' preference bill H. R. 4115, reported by House committee. Bill as now stands would deny benefits to numerous enlisted men who ran afoul some officer or Navy regulation and were arbitrarily given undesirable unfitness or bad conduct discharges by a commanding officer on the spot, regardless of otherwise good record, disability, or even overseas service. Navy contends these are not dishonorable discharges since such cannot be issued until after fair hearing by court-martial procedure. Nevertheless these arbitrary discharges give scope for varying interpretations and might preclude any change of preference. Under terms "served honorably" or "honorably discharged" as used in the bill, therefore, suggest amended section providing that those terms as used in the act shall mean "those ex-servicemen and ex-servicewomen" who have not received a dishonorable discharge.

J. L. BASS, *East Point, Ga.*

LOS ANGELES, CALIF., April 18, 1944.

Senator DOWNEY,

*Chairman, Civil Service Committee, United States Senate,  
Washington, D. C.:*

Numerous ex-servicemen who received Navy undesirable and Army blue discharges because they failed to meet certain military requirements with time in service including overseas and some survivors of naval and Army battles are complaining bitterly against the unfairness of the veterans' preference bill. I heartily agree that these several thousand men should not be discriminated against in any way because of the character of their discharge due to personal handicap which warranted medical discharges but due to existing regulations of Army and Navy were discharged neither honorably nor dishonorably but unfit.

CECIL R. WAGGONER.

NATIONAL LEAGUE OF WOMEN VOTERS,

*Washington, D. C., May 23, 1944.*

TO SENATE COMMITTEE ON CIVIL SERVICE.

(Re: Veterans' preference in civil service.)

One of the principal concerns of the National League of Women Voters over a long period of years has been the establishment and maintenance of sound systems of personnel administration at each level of government. It has long been our contention that the Government service should not be considered a haven for political workers or for veterans but on the contrary should attract the best qualified persons. Government has become such an important factor in the lives of citizens that it must be administered efficiently and with favor to none.

When there is a choice between two equally well qualified persons, it seems reasonable that a person who has served in the armed forces should be given preference. We do not believe, however, that veterans should be given a monopoly of Government positions or that unqualified ones should have preference over well qualified civilians. We, therefore, urge your committee to require that all veterans receive a passing grade on examinations before the preference points apply. This is especially necessary in the case of disabled veterans who receive a 10-point preference and are then jumped to the top of the eligible list.

Respectfully submitted.

ANNA LORD STRAUSS, *President.*

(Whereupon, at 12 o'clock noon, the committee adjourned until 10 a. m., Wednesday, May 24, 1944, to meet in executive session.)

X







EXTENSION OF PREFERENCE TO VETERANS WHO DESIRE  
TO COMPETE FOR POSITIONS IN THE FEDERAL CIVIL  
SERVICE

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MAY 25 (legislative day, MAY 9), 1944.—Ordered to be printed

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Mr. BYRD, from the Committee on Civil Service, submitted the  
following

## REPORT

[To accompany H. R. 4115]

The Committee on Civil Service, to whom was referred the bill (H. R. 4115) to give honorably discharged veterans, their widows, and the wives of disabled veterans, who themselves are not qualified, preference in employment where Federal funds are disbursed, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

## GENERAL STATEMENT

The Congress has long recognized the desirability of granting preference in governmental employment to former members of the military and naval forces. In the past, however, veterans' preference laws have consisted for the most part of little more than broad statements of general principles, leaving details of application and administration to Executive orders and regulations. The enactment of H. R. 4115, known as the Starnes-Scrugham bill, would for the first time bring together in comprehensive statutory form the various statutes as well as the desirable provisions of Executive orders and regulations promulgated pursuant thereto. In addition, the bill provides for certain preferences not accorded veterans under existing law. These additional preferences will be discussed later in this report.

H. R. 4115 has the endorsement of the President and the Civil Service Commission, as well as of the three major veterans' organizations. The committee believes that in view of the fact that members of the armed forces rapidly are being returned to civilian life, the bill should be enacted without delay.

Section 17 defines the term "Civil Service Commission" to mean the present Commission or any body which may by law succeed to its powers and duties, or to any of the powers and duties concerning matters covered by this act.

Section 18 provides for modification of acts and parts of acts inconsistent with the provisions of this act. As explained in the paragraph relating to section 2 this section contains a saving clause for the protection of existing preference rights under present laws, Executive orders, rules, and regulations.

Section 19 places upon the Civil Service Commission the duty of making and enforcing rules and regulations in order to carry out the purposes of this act in all cases under the classified civil service.

Section 20 exempts from the provisions of this act all positions subject to Senate confirmation, except those of postmasters. The amendment suggested by the committee to this section would make clear the act is intended to apply only to positions in or under the executive branch of the Government.

Section 21 contains a separability provision.





Calendar No. 920

78TH CONGRESS  
2D SESSION

# H. R. 4115

[Report No. 907]

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## IN THE SENATE OF THE UNITED STATES

APRIL 18 (legislative day, APRIL 12), 1944

Read twice and referred to the Committee on Civil Service

MAY 25 (legislative day, MAY 9), 1944

Reported by Mr. BYRD, with amendments

[Omit the part struck through and insert the part printed in italic]

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## AN ACT

To give honorably discharged veterans, their widows, and the wives of disabled veterans, who themselves are not qualified, preference in employment where Federal funds are disbursed.

1      *Be it enacted by the Senate and House of Representa-*  
2      *tives of the United States of America in Congress assembled,*  
3      That this Act may be cited as the "Veterans' Preference  
4      Act of 1944".

5      SEC. 2. In certification for appointment, in appoint-  
6      ment, in reinstatement, in reemployment, and in retention  
7      in civilian positions in all establishments, agencies, bureaus,  
8      administrations, projects, and departments of the Govern-  
9      ment, permanent or temporary, and in either (a) the classi-

1 fied civil service; (b) the unclassified civil service; (c)  
 2 any temporary or emergency establishment, agency, bureau,  
 3 administration, project, and department created by Acts of  
 4 Congress or Presidential Executive order; and (d) the civil  
 5 service of the District of Columbia, preference shall be given  
 6 to (1) those ex-service men and women who have served  
 7 ~~honorably~~ *on active duty* in any branch of the armed forces  
 8 of the United States *and have been separated therefrom under*  
 9 *honorable conditions and* who have established the present  
 10 existence of a service-connected disability or who are receiv-  
 11 ing compensation, disability retirement benefits, or pension  
 12 by reason of public laws administered by the Veterans' Ad-  
 13 ministration, the War Department or the Navy Department;  
 14 (2) the wives of such service-connected disabled ex-service-  
 15 men and the husbands of such service-connected disabled  
 16 ~~ex-servicewomen~~ as have themselves been unable to qualify  
 17 for any civil-service appointment; (3) the unmarried widows  
 18 of deceased ex-servicemen who served ~~honorably~~ *on active*  
 19 *duty* in any branch of the armed forces of the United States  
 20 during any war, or in any campaign or expedition (for which  
 21 a campaign badge has been authorized), ~~the widowers of any~~  
 22 ~~deceased ex-servicewomen who have served honorably in~~  
 23 ~~any branch of the armed forces of the United States during~~  
 24 ~~any war or in any campaign or expedition (for which a~~  
 25 ~~campaign badge has been authorized)~~ who are supporting any

1 children under 18 years of age of such deceased ex-service-  
 2 ~~women~~ and who were separated therefrom under honorable  
 3 conditions; and (4) those ~~honorably discharged~~ ex-service-  
 4 men and women who have served *on active duty* in any  
 5 branch of the armed forces of the United States, during any  
 6 war, or in any campaign or expedition (for which a cam-  
 7 paign badge has been authorized), *and have been separated*  
 8 *therefrom under honorable conditions.*

9       SEC. 3. In all examinations to determine the qualifica-  
 10 tions of applicants for entrance into the service ten points  
 11 shall be added to the earned ratings of those persons in-  
 12 cluded under section 2 (1), (2), and (3), and five points  
 13 shall be added to the earned ratings of those persons included  
 14 under section 2 (4) of this Act: *Provided, That in exami-*  
 15 *nations for the positions of guards, elevator operators, mes-*  
 16 *sengers, and custodians competition shall be restricted to*  
 17 *persons entitled to preference under this Act as long as*  
 18 *persons entitled to preference are available and during the*  
 19 *present war and for a period of five years following the*  
 20 *termination of the present war as proclaimed by the Presi-*  
 21 *dent or by a concurrent resolution of the Congress for such*  
 22 *other positions as may from time to time be determined by*  
 23 *the President.*

24       SEC. 4. In examinations where experience is an ele-  
 25 ment of qualification, time spent in the military or naval

1 service of the United States shall be credited in a veteran's  
2 rating where his or her actual employment in a similar  
3 vocation to that for which he or she is examined was inter-  
4 rupted by such military or naval service. In all examinations  
5 to determine the qualifications of a veteran applicant, credit  
6 shall be given for all valuable experience, including expe-  
7 rience gained in religious, civic, welfare, service, and organi-  
8 zational activities, regardless of whether any compensation  
9 was received therefor.

10 SEC. 5. In determining qualifications for examination,  
11 appointment, promotion, retention, transfer, or reinstatement.  
12 with respect to preference eligibles, the Civil Service Com-  
13 mission or other examining agency shall waive requirements  
14 as to age, height, and weight, provided any such requirement  
15 is not essential to the performance of the duties of the position  
16 for which examination is given. The Civil Service Commis-  
17 sion or other examining agency, after giving due consideration  
18 to the recommendation of any accredited physician ~~in the~~  
19 ~~service of the United States~~, shall waive the physical require-  
20 ments in the case of any veteran, provided such veteran  
21 is, in the opinion of the Civil Service Commission, or  
22 other examining agency physically able to discharge effi-  
23 ciently the duties of the position for which the examination is  
24 given. No minimum educational requirement will be pre-  
25 scribed in any civil-service examination except for such



1 scientific, technical, or professional positions the duties of  
2 which the Civil Service Commission decides cannot be per-  
3 formed by a person who does not have such education. The  
4 Commission shall make a part of its public records its reasons  
5 for such decision.

6 SEC. 6. Preference eligibles shall not be subject to the  
7 provisions of section 9 of the Civil Service Act concerning  
8 two or more members of a family in the service, or to the  
9 provisions of section 2 of that Act concerning apportion-  
10 ment of appointments in the Government departments in  
11 the District of Columbia among the several States and  
12 Territories according to population, but may be required  
13 to furnish evidence of residence and domicile.

14 SEC. 7. The names of preference eligibles shall be en-  
15 tered on the appropriate registers or lists of eligibles in ac-  
16 cordance with their respective augmented ratings, and the  
17 name of a preference eligible shall be entered ahead of all  
18 others having the same rating: *Provided*, That, except for  
19 positions in the professional and scientific services for which  
20 the entrance salary is over \$3,000 per annum, the names of  
21 all qualified preference eligibles, entitled to ten points in ad-  
22 dition to their earned ratings shall be placed at the top of the  
23 appropriate civil-service register or employment list, in ac-  
24 cordance with their respective augmented ratings.

25 SEC. 8. When, in accordance with civil-service laws

1 and rules, a nominating or appointing officer shall request  
2 certification of eligibles for appointment purposes, the Civil  
3 Service Commission shall certify, from the top of the ap-  
4 propriate register of eligibles, a number of names sufficient to  
5 permit the nominating or appointing officer to consider at least  
6 three names in connection with each vacancy. The nominat-  
7 ing or appointing officer shall make selection for each  
8 vacancy from not more than the highest three names  
9 available for appointment on such certification, unless  
10 objection shall be made, and sustained by the Commis-  
11 sion, to one or more of the persons certified, for any  
12 proper and adequate reason, as may be prescribed in the  
13 rules promulgated by the Civil Service Commission: *Pro-*  
14 *vided*, That an appointing officer who passes over a veteran  
15 eligible and selects a nonveteran shall file with the Civil  
16 Service Commission his reasons in writing for so doing,  
17 which shall become a part of the record of such veteran  
18 eligible, and shall be made available upon request to the  
19 veteran or his designated representative; the Civil Service  
20 Commission is directed to determine the sufficiency of such  
21 submitted reasons and, if found insufficient, shall require  
22 such appointing officer to submit more detailed information  
23 in support thereof; the findings of the Civil Service Com-  
24 mission as to the sufficiency or insufficiency of such reasons  
25 shall be transmitted to and considered by such appointing

1 officer, and a copy thereof shall be sent to the veteran  
2 eligible or to his designated representative upon request there-  
3 for: *Provided, further,* That if, upon certification, reasons  
4 deemed sufficient by the Civil Service Commission for passing  
5 over his name shall three times have been given by an  
6 appointing officer, certification of his name for appointment  
7 may thereafter be discontinued, prior notice of which shall  
8 be sent to the veteran eligible. Whenever in the Postal  
9 Service two or more substitutes are appointed on the same  
10 day, they shall be promoted to the regular force in the  
11 order in which their names appeared on the civil-service  
12 register from which they were originally appointed, when-  
13 ever there are substitutes of the required sex who are  
14 eligible and will accept, unless such vacancies are filled by  
15 transfer or reinstatement.

16 SEC. 9. In the unclassified Federal, and District of  
17 Columbia, civil service, and in all other positions and employ-  
18 ment hereinbefore referred to in (c) of section 2 hereof, the  
19 nominating or appointing officer or employing official shall  
20 make selection from the qualified applicants in accordance  
21 with the provisions of this Act.

22 SEC. 10. The Civil Service Commission is authorized and  
23 directed to hold an examination, during the next succeeding  
24 quarterly period, for any position to which any appointment  
25 has been made within the preceding three years, for any

1 person included under section 2 (1), (2), and (3) of this  
2 Act upon application for examination for any such position.

3 SEC. 11. The Civil Service Commission is hereby author-  
4 ized to promulgate appropriate rules and regulations for the  
5 administration and enforcement of the provisions of this Act.

6 SEC. 12. In any reduction in personnel in any civilian  
7 service of any Federal agency, competing employees shall  
8 be released in accordance with Civil Service Commission  
9 regulations which shall give due effect to tenure of employ-  
10 ment, military preference, length of service, and efficiency  
11 ratings: *Provided*, That the length of time spent in active  
12 service in the armed forces of the United States of each such  
13 employee shall be credited in computing length of total  
14 service: *Provided further*, That preference employees whose  
15 efficiency ratings are "good" or better shall be retained in  
16 preference to all other competing employees and that prefer-  
17 ence employees whose efficiency ~~rating~~ ratings are below  
18 "good" shall be retained in preference to competing nonpref-  
19 erence employees who have equal or lower efficiency ratings:  
20 *And provided further*, That when any or all of the functions  
21 of any agency are transferred to, or when any agency is re-  
22 placed by, some other agency, or agencies, all preference  
23 employees in the function or functions transferred or in the  
24 agency which is replaced by some other agency shall first be  
25 transferred to the replacing agency, or agencies, for employ-



1 ment in positions for which they are qualified, before such  
2 agency, or agencies, shall appoint additional employees from  
3 any other source for such positions.

4 SEC. 13. Any preference eligible who has resigned or  
5 who has been dismissed or furloughed may, at the request  
6 of any appointing officer, be certified for, and appointed to,  
7 any position for which he may be eligible in the civil service,  
8 Federal, or District of Columbia, or in any establishment,  
9 agency, bureau, administration, project, or department, tem-  
10 porary or permanent.

11 SEC. 14. No permanent or indefinite preference eligible,  
12 who has completed a probationary or trial period employed  
13 in the civil service, or in any establishment, agency, bu-  
14 reau, administration, project, or department, hereinbefore  
15 referred to shall be discharged, suspended for more than  
16 thirty days, furloughed without pay, reduced in rank or  
17 compensation, or debarred for future appointment except  
18 for such cause as will promote the efficiency of the service  
19 and for reasons given in writing, and the person whose  
20 discharge, suspension for more than thirty days, furlough  
21 without pay, or reduction in rank or compensation is sought  
22 shall have at least thirty days' advance written notice  
23 (except where there is reasonable cause to believe the em-  
24 ployee to be guilty of a crime for which a sentence of  
25 imprisonment can be imposed), stating any and all reasons,

1 specifically and in detail, for any such proposed action; such  
2 preference eligible shall be allowed a reasonable time for  
3 answering the same personally and in writing, and for furnish-  
4 ing affidavits in support of such answer, and shall have the  
5 right to appeal to the Civil Service Commission from an ad-  
6 verse decision of the administrative officer so acting, such  
7 appeal to be made in writing within a reasonable length of  
8 time after the date of receipt of notice of such adverse deci-  
9 sion: *Provided*, That such preference eligible shall have the  
10 right to make a personal appearance, or an appearance  
11 through a designated representative, in accordance with such  
12 reasonable rules and regulations as may be issued by the Civil  
13 Service Commission; after investigation and consideration of  
14 the evidence submitted, the Civil Service Commission shall  
15 submit its findings and recommendations to the proper ad-  
16 ministrative officer and shall send copies of same to the  
17 appellant or to his designated representative: *Provided fur-*  
18 *ther*, That the Civil Service Commission may declare any  
19 such preference eligible who may have been dismissed or  
20 furloughed without pay to be eligible for the provisions of  
21 section 15 hereof.

22       SEC. 15. Any preference eligible, who has been fur-  
23 loughed, or separated without delinquency or misconduct,  
24 upon request, shall have his name placed on all appropriate

1 civil-service registers and/or on all employment lists, for  
2 every position for which his qualifications have been estab-  
3 lished, as maintained by the Civil Service Commission, or as  
4 shall be maintained by any agency or project of the Federal  
5 Government, or of the District of Columbia, in the order as  
6 provided in section 7 hereof, and shall then be eligible for  
7 recertification and reappointment in the order and according  
8 to the procedure as provided for in sections 7 and 8 hereof.  
9 No appointment shall be made from an examination register  
10 of eligibles, *except of ten-point preference eligibles*, when  
11 there are three or more names of preference eligibles on any  
12 appropriate reemployment list for the position to be filled.

13 SEC. 16. Any preference eligible who has resigned shall,  
14 upon request to the Civil Service Commission, have his name  
15 again placed on all proper civil-service registers for which  
16 he may have been qualified, in the order as provided for  
17 in section 7 hereof, and shall then be eligible for recertifica-  
18 tion and reappointment in the order, and according to the  
19 procedure, as provided for in sections 7 and 8 hereof.

20 SEC. 17. The term "Civil Service Commission" or  
21 "Commission" as used in this Act shall mean the present  
22 United States Civil Service Commission or any body or  
23 person who may by law succeed to its powers and duties,  
24 or any of them, or which or who may be designated by law

1 to perform any specific duty and possess any specific power  
2 concerning matters covered by this Act.

3 SEC. 18. All Acts and parts of Acts inconsistent with the  
4 provisions hereof are hereby modified to conform herewith,  
5 and this Act shall not be construed to take away from any  
6 preference eligible any rights heretofore granted to, or  
7 possessed by, him under any existing law, Executive order,  
8 civil-service rule or regulation, of any department of the Gov-  
9 ernment or officer thereof.

10 SEC. 19. It shall be the authority and duty of the Civil  
11 Service Commission in all cases under the classified civil  
12 service to make and enforce appropriate rules and regulations  
13 to carry into full effect the provisions, intent, and purpose of  
14 this Act and such Executive orders as may be issued pursuant  
15 thereto and in furtherance thereof.

16 SEC. 20. Nothing contained in this Act is intended to  
17 apply to any position in or under the Legislative or Judicial  
18 branch of the Government or to any position or appointment  
19 which by the Congress is required to be confirmed by, or  
20 made with, the advice and consent of the United States  
21 Senate: *Provided, however,* That the provisions of this Act  
22 shall apply to appointments under Public Law Numbered  
23 720, Seventy-fifth Congress, third session, approved June  
24 25, 1938.



1     SEC. 21. If any part of this Act shall be found to be  
2     unconstitutional, the rest of it shall be considered as in full  
3     force and effect.

Passed the House of Representatives April 17, 1944.

Attest:

SOUTH TRIMBLE,

*Clerk.*

Calendar No. 920

78TH CONGRESS  
2d Session

**H. R. 4115**

[Report No. 907]

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## **AN ACT**

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To give honorably discharged veterans, their widows, and the wives of disabled veterans, who themselves are not qualified, preference in employment where Federal funds are disbursed.

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APRIL 18 (legislative day, April 12), 1944  
Read twice and referred to the Committee on  
Civil Service

MAY 25 (legislative day, May 9), 1944  
Reported with amendments

providing for the allocation of funds for this program sometime ago?

ELSIE M. DUWE (Mrs. A. H.),  
Corresponding Secretary.

#### NATION-WIDE BROADCAST OF CONGRESSIONAL PROCEEDINGS

Mr. CAPPER. Mr. President, the School Custodians Local No. 255, of the American Federation of Labor, Kansas City, Kans., have adopted resolutions urging Congress to establish a Nation-wide broadcast of its proceedings, a proposal which I think might be worthy of serious consideration. I ask unanimous consent to have the resolutions printed in the RECORD and appropriately referred.

There being no objection, the resolutions were referred to the Committee on Rules and ordered to be printed in the RECORD, as follows:

Resolution requesting that the proceedings of Congress be broadcast so that the people will understand clearly the functions of democracy in the making

Whereas the affairs of Congress and of government in general are vital to every citizen; and

Whereas no present method exists to provide full information to the average citizen about the real happenings in our Congress; and

Whereas radio is the simplest and most effective medium for communicating with every American in every part of the country; and

Whereas New Zealand adopted a program of short-wave broadcasts of the proceedings of its Parliament, and has successfully demonstrated that full knowledge by citizens of the affairs of government stimulates and strengthens the democratic system; and

Whereas our Congress could lease radio time from one or more networks, several important and powerful stations, or broadcast by short-wave all important debates, excepting such matters as might jeopardize national security during this war: Now, therefore, be it

*Resolved*, That we propose and urge upon Congress enactment of the necessary measures to establish a Nation-wide broadcast of its proceedings; and be it further

*Resolved*, That we communicate with each political party asking that this proposal be considered and included in the program adopted at its next convention; and be it further

*Resolved*, That a copy of this resolution be sent to the Members of Congress.

By CHARLES H. IRELAND,  
Secretary, Local No. 255, B. S. E. I. U.  
of A. F. of L.

#### RIVER AND HARBOR IMPROVEMENTS—REPORT OF COMMERCE COMMITTEE

Mr. OVERTON. From the Committee on Commerce, I report back favorably, with amendments, the bill (H. R. 3961) authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, and I submit a report (No. 903) thereon.

Mr. GUFFEY. Mr. President, will the Senator yield for a question?

Mr. OVERTON. Certainly.

Mr. GUFFEY. Has the bill as proposed to be amended been printed?

Mr. OVERTON. It has not as yet been printed. I am reporting it now so that it may be printed in the next day or two.

The ACTING PRESIDENT pro tempore. Without objection, the report will be received and the bill will be placed on the calendar.

#### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LANGER, from the Committee on the Judiciary:

S. 1898. A bill to amend section 99 of the Judicial Code, as amended, so as to change the term of the District Court for the District of North Dakota at Minot, N. Dak.; without amendment.

By Mr. WALSH of Massachusetts, from the Committee on Naval Affairs:

H. R. 634. A bill to provide for the advancement of Rear Admiral Emory S. Land, Construction Corps, United States Navy, retired, to the rank of vice admiral; without amendment (Rept. No. 904).

By Mr. WHEELER, from the Committee on Interstate Commerce:

S. 1473. A bill to amend the Interstate Commerce Act, as amended; with amendments (Rept. No. 905); and

H. J. Res. 227. Joint resolution extending the period for the acquisition by the Railroad Retirement Board of data needed in carrying out the provisions of the Railroad Retirement Acts; without amendment (Rept. No. 906).

By Mr. BYRD, from the Committee on Civil Service:

H. R. 4115. A bill to give honorably discharged veterans, their widows, and the wives of disabled veterans, who themselves are not qualified, preference in employment where Federal funds are disbursed; with amendments (Rept. No. 907).

By Mr. KILGORE, from the Committee on Claims:

S. 887. A bill conferring jurisdiction upon the United States District Court for the Western District of Virginia to hear, determine, and render judgment upon the claims of John Weakley and Rella Moyer; without amendment (Rept. No. 908); and

H. R. 3596. A bill conferring jurisdiction upon the Court of Claims of the United States to consider and render judgment on the claim of the Zephyr Aircraft Corporation against the United States; without amendment (Rept. No. 909).

By Mr. EASTLAND, from the Committee on Claims:

H. R. 2769. A bill for the relief of Mrs. Lillian W. Timmerman, mother of Ann Timmerman, a minor, deceased; without amendment (Rept. No. 910); and

H. R. 3787. A bill for the relief of M. H. Harris; without amendment (Rept. No. 911).

By Mr. TUNNELL, from the Committee on Claims:

S. 1365. A bill for the relief of J. C. Drewry; without amendment (Rept. No. 912);

S. 1709. A bill for the relief of Mrs. Clark Gourley; with amendments (Rept. No. 914);

S. 1904. A bill for the relief of J. Fletcher Lankton and John N. Ziegele; without amendment (Rept. No. 913); and

H. R. 2097. A bill for the relief of W. J. Cox; with amendments (Rept. No. 915).

#### ENROLLED BILLS PRESENTED

Mrs. CARAWAY, from the Committee on Enrolled Bills, reported that on May 23, 1944, that committee presented to the President of the United States the following enrolled bills:

S. 254. An act for the relief of Edward Gilman; and

S. 1771. An act authorizing appropriations for the United States Navy for additional ordnance manufacturing and production facilities; and for other purposes.

#### BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

(Mr. McCARRAN introduced Senate bills 1949 and 1950, which were referred to the Committee on Commerce, and appear under a separate heading.)

By Mr. KILGORE:

S. 1951. A bill granting an increase of pension to Robert Blake; to the Committee on Pensions.

By Mr. WHEELER:

S. 1952. A bill authorizing and directing the Secretary of the Interior to issue to Minnie Ortle Kirk, a patent in fee to certain land; to the Committee on Indian Affairs.

By Mr. CHAVEZ:

S. 1953. A bill to authorize the Secretary of the Interior to contract with the Middle Rio Grande Conservancy District of New Mexico for the payment of operation and maintenance charges on certain Pueblo Indian lands; to the Committee on Indian Affairs.

(Mr. FERGUSON introduced Senate Joint Resolution 133, which was referred to the Committee on the Judiciary, and appears under a separate heading.)

#### DOMESTIC AND FOREIGN COMMERCIAL AVIATION

Mr. McCARRAN. Mr. President, some time ago I introduced a bill, now known as S. 1790, bearing on the subject of aviation. The bill had in it two outstanding phases affecting the law of aviation. One was that relating to domestic aviation. It was, and is, a complete rewriting of the law of aviation. The other phase of the bill dealt with foreign commercial aviation.

At the time of the introduction of the bill I issued an explanatory statement, and sent copies of the bill throughout the entire country, for study by those who are interested in the subject.

Since that time the Committee on Commerce has been giving careful attention to the general subject of post-war aviation. The comments I have received from students of this subject have impressed me with the thought that the whole subject would best be understood and both phases of the question would best be studied and considered if the two phases were separated, that is if the provisions relating to the law of domestic aviation, as I have hoped to write them, should be considered separate from the provisions relating to the law of what I choose to call foreign aviation, or that form of commercial aviation having to do with air transportation from this country to the other countries of the world.

In order that the Committee on Commerce may have a better opportunity to study the question both as an entirety as it is now before the committee in Senate bill 1790, and in order that it may have the opportunity of studying the question from a domestic standpoint separated from foreign commercial aviation, and in order that the committee may study the foreign phase of commercial aviation separate from the domestic phase, I have thought it best to divide the bill S. 1790, and I am now introducing a bill to cover the domestic side of commercial aviation and also a bill specifically to cover what, in my judgment, is the proper method for this country to pursue in the post-war period and almost immediately, if you please, in relation to our commerce by air with the countries of the world.

Let it be understood that no one change is made in the policy or plan of my origi-



inal bill. Only that the committees may study the two phases of the question separately and that the Congress may study them separately and that the country may study them separately have I divided the subject. I now send forward a bill dealing with the domestic side of aviation which I ask consent to introduce.

The ACTING PRESIDENT pro tempore. Without objection, the bill will be received and appropriately referred.

Mr. McCARRAN. I also ask consent to introduce a bill dealing with the foreign side of aviation, as I please to term it.

The ACTING PRESIDENT pro tempore. Without objection, the bill will be received and appropriately referred.

The following bills, introduced by Mr. McCARRAN, were each read twice by their titles and referred to the Committee on Commerce:

S. 1949. A bill to create an independent Civil Aeronautics Authority and an independent air safety board, to promote the development and safety and to provide for the regulation of civil aeronautics, and to promote world leadership by the United States in aviation; and

S. 1950. A bill to create the All-American Flag Line, Inc., and to assure the United States world leadership in the field of air transportation.

#### EXTENSION OF TIME FOR CERTAIN COURT-MARTIAL PROCEEDINGS

Mr. FERGUSON. Mr. President, on December 7 last, Congress extended for a 6 months' period the time within which court-martial proceedings might be brought against any person or persons guilty of any dereliction of duty in connection with the Pearl Harbor disaster. In the same joint resolution Congress extended the statute of limitations for bringing any action against any civilian for the same period of time.

If any prosecution is to be had against any military or naval officer or member, proceedings must be begun within this 6 months' period. The same thing is true of civilians.

We have had no evidence from either the Department of Justice or the Army and Navy that any such proceedings have been taken. We have had some information from newspaper reports indicating that the Navy has designated Admiral Hart to obtain depositions or affidavits in connection with the Pearl Harbor disaster, but no detailed information of their contents or purpose is available to Congress.

It is, therefore, but fitting that we extend the period within which actions might be brought against anyone in the military or naval service or any civilian, as the case may be, for a further period of 3 months.

I believe that sufficient time has been allowed to all authorities, civil and military, within which to bring such proceedings. But as we have only a few days until the present extension of the statute of limitations will expire, I believe that a 3-month extension should be granted, and that a further provision should be enacted which would direct the Secretary of War and the Secretary of the Navy to institute court-martial proceedings on all charges against any

person or persons, to whose court martial the extension of time provided for in section one of the resolution relates, and that such proceedings be brought as soon as possible, and in no event not later than the period of extension provided for in the joint resolution—that is, 3 months.

It is a well-known fact that delay in bringing prosecutions as a rule is beneficial to those who are guilty of any crime or dereliction of duty. It is equally true that for those who have a legitimate defense delay may be detrimental to the presentation of such a defense.

It is therefore important that Congress perform its duty and extend this statute of limitations, and also direct the Secretary of War and the Secretary of the Navy to institute proceedings within this period, that justice may be done.

This is not only our constitutional right, but it is our constitutional duty. Section 8 of article I of the Constitution provides that—

The Congress shall have power to \* \* \* provide for the common defense and general welfare of the United States; \* \* \*

To raise and support armies; \* \* \*

To provide and maintain a navy;

To make rules for the Government and regulation of the land and naval forces; \* \* \*

To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States; \* \* \*

To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof.

Mr. President, I ask consent to introduce a joint resolution, and request that it be referred to the Committee on the Judiciary for action.

The ACTING PRESIDENT pro tempore. Without objection, the joint resolution will be received and referred as requested.

The joint resolution (S. J. Res. 133) to extend the time limit for immunity was read twice by its title and referred to the Committee on the Judiciary.

#### HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred, as indicated:

H. R. 4102. An act to extend for 1 additional year the reduced rate of interest on Land Bank Commissioner loans; to the Committee on Banking and Currency.

H. R. 4184. An act to amend section 321, title III, part II, Transportation Act of 1940, with respect to the movement of Government traffic; to the Committee on Interstate Commerce.

H. R. 4861. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1945, and for other purposes; to the Committee on Appropriations.

ABOLITION OF POLL TAX BY CONSTITUTIONAL AMENDMENT—ADDITIONAL SPONSOR OF SENATE JOINT RESOLUTION 132

Mr. WHERRY. Mr. President, by unanimous consent, at the request of the

Senator from Oregon [Mr. HOLMAN], who has just returned to the city from Oregon, I ask unanimous consent that his name be added to those of the sponsors of Senate Joint Resolution 132, proposing an amendment to the Constitution of the United States relative to removal of the requirement for payment of poll tax.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### INVESTIGATION OF THE USE OF PUBLIC LANDS—LIMIT OF EXPENDITURES—AMENDMENT OF RESOLUTION

Mr. BARKLEY. Mr. President, on Tuesday last the Senate agreed to Senate Resolution 288, increasing by \$10,000 the limit of expenditures by the War Contracts Subcommittee of the Committee on Military Affairs under authority of Senate Resolution 198 of the present Congress.

The date on which the Senate agreed to Senate Resolution 198 is incorrectly stated in Senate Resolution 288 as February 8, 1942, whereas the correct date, as shown by official Senate records, is February 8, 1944.

For the purpose of correcting this clerical error, I submit the following unanimous-consent request, namely:

That the vote agreeing to Senate Resolution 288 on Tuesday be reconsidered; that the resolution be amended by striking out the figures "1942" and inserting "1944"; and that the resolution as thus amended be considered as agreed to.

The ACTING PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

#### CENTENNIAL OF THE TELEGRAPH—ADDRESS BY SENATOR AUSTIN

[Mr. AUSTIN asked and obtained leave to have printed in the RECORD the address delivered by him in the Capitol on May 24, 1944, on the occasion of the presentation of a plaque commemorating the centennial of the telegraph, which appears in the Appendix.]

#### ANNOUNCEMENT FOR SENATE—ADDRESS BY SENATOR THOMAS OF OKLAHOMA

[Mr. THOMAS of Oklahoma asked and obtained leave to have printed in the RECORD a radio address announcing his candidacy for reelection to the Senate, delivered by him May 16, 1944, in Oklahoma, which appears in the Appendix.]

#### THE POLITICAL SITUATION IN OREGON—ADDRESS BY SENATOR HOLMAN

[Mr. HOLMAN asked and obtained leave to have printed in the RECORD an address on the political situation in Oregon, delivered by him on May 18, 1944, which appears in the Appendix.]

#### THE FUTURE OF COMMUNICATIONS—ADDRESS BY SENATOR WHEELER

[Mr. WHEELER asked and obtained leave to have printed in the RECORD a radio address entitled "The Future of Communications," delivered by him at the exercises held in the rotunda of the Capitol Building, Washington, D. C., on the occasion of the celebration of the centennial of the telegraph, May 24, 1944, which appears in the Appendix.]

#### ADDRESS BY BERNARD M. BARUCH IN ACCEPTING THE CHURCHMAN AWARD

[Mr. WAGNER asked and obtained leave to have printed in the RECORD an address delivered by Bernard M. Baruch on the occasion of his acceptance of the Churchman







000,000 pounds of beet sugar was irrevocably lost.

This alone is bad enough when considered in the light of the present world sugar supply situation, but it isn't the whole story. By-products from an acre of sugar beets provide cattle and dairy feed equivalent to 2 average acres of corn. This means, then, that these lost acres would have furnished, in byproducts alone, the equal of about 400,000 acres of corn, a tragic loss of what could have been a substantial alleviation of the present extremely critical feed supply situation.

California's sugar beet industry is now engaged in an effort to obtain from W. F. A. within the next 2 or 3 weeks an announcement of their intentions with regard to the 1945 sugar-beet crop in California. Conditional payments under the Sugar Act of 1937 average a little above 20 percent of the total returns from a ton of beets. Obviously, therefore, if a maximum acreage of beets is to be obtained in California in 1945, it is as important for California growers to know early about the continuation of the Sugar Act of 1937 as it is for them to know details of W. F. A.'s sugar program.

I hope that you will withdraw your objections to the 2-year extension so that I may get the bill through following disposition of the pending price-control measure.

Sincerely,

ED. C. JOHNSON,  
United States Senator from Colorado.

1942 domestic sugar crop

| Largest producer in— | Sugar for payment (100 pounds) | Excise tax at 50 cents per hundred-weight | Conditional payment at basic rate of 80 cents per hundred-weight | Actual payment to grower after reductions | Amount by which excise tax exceeds payment |
|----------------------|--------------------------------|-------------------------------------------|------------------------------------------------------------------|-------------------------------------------|--------------------------------------------|
| Sugar-beet area—     | 80,180                         | \$40,090                                  | \$64,144                                                         | \$48,144                                  | —\$8,054                                   |
| Florida—             | 1,319,389                      | \$659,694                                 | 1,055,511                                                        | 515,867                                   | 143,827                                    |
| Hawaii—              | 1,540,027                      | \$770,011                                 | 1,232,022                                                        | 582,058                                   | 187,956                                    |
| Louisiana—           | 376,635                        | \$188,318                                 | 301,308                                                          | 193,951                                   | —5,633                                     |
| Puerto Rico—         | 1,803,456                      | \$901,728                                 | 1,442,765                                                        | 661,087                                   | 240,641                                    |

Mr. JOHNSON of Colorado. Mr. President, I have one further word to say. The original sugar bill was a compromise bill. I should call it more of a consumers' bill than a producers' bill. The producers, however, are nearly all in favor of it. The sugar-beet growers, as well as the manufacturing interests, are in favor of the bill.

Mr. VANDENBERG. Mr. President, I cordially agree with the able Senator from Colorado [Mr. JOHNSON] regarding the importance and advisability of passing the pending bill; but I wish to refer to one practice which has currently developed in regard to sugar imports from Cuba.

When the Commodity Credit Corporation first began to purchase the Cuban crops of sugar it brought the crop in, paid our duties on it, and then sold it for refining purposes to refiners at the duty-paid price. Subsequently the price was changed, and inasmuch as the transaction involved the Government exclusively, certain powers were exercised under an old statute, namely, the statute of June 30, 1940, suspending all tariffs on commodities brought into the United States by the Government to be disposed of under Government auspices. Therefore, at the present time I understand that the Commodity Credit Corporation

is importing Cuban sugar duty free, and then selling it to the refiners at the duty-paid price.

So far as the Government is concerned, of course, it is not out of pocket on a transaction of that kind. So far as the Government and the Congress are concerned, the device simply increases the funds of the Commodity Credit Corporation, inasmuch as it no longer has to pay into the General Treasury the tariff duties which the law requires to be paid upon Cuban imports into the United States.

The point I wish to make very clear is this: As to the practice to which I have referred the Cuban sugar interests have clearly indicated in current publications that they think that inasmuch as the Government has now suspended the collection of tariffs on Cuban sugar, they should be entitled to the proceeds. They also clearly indicate that they believe that when the present emergency has passed, and emergency purchases by the Government have ceased, the existing duty-free arrangement should be continued in their favor. There is not much doubt concerning their expectations with regard to this subject. I have before me a copy of the Weekly Statistical Sugar Trade Journal of June 8, 1944. I particularly refer to a paragraph headed "Duty free?" I ask that the paragraph be printed in the RECORD at this point as a part of my remarks.

There being no objection, the paragraph was ordered to be printed in the RECORD, as follows:

DUTY FREE?

Tariff duty collections on sugar actually have been stopped at the United States customs. Such stoppage, however, will benefit neither Cuba nor the American refiners—nor will it result in a lower ceiling price. It can be surmised, therefore, that Commodity Credit Corporation will devote the equivalent of the suspended tariff duty to cover the extra expenses incurred in moving Cuban sugars to shipping ports other than the mills' natural outlets, maritime freight surcharges, and other charges incurred in the United States.

We know that according to the 1944 crop-purchase contract the tariff suspension cannot benefit Cuba in 1944. It is, however, a favorable omen. If, as it can reasonably be expected, Commodity Credit's revenue from the suspended tariff on 1944 crop sugars will suffice to pay for all those extra expenses on 1944 and 1945 crop sugars, Cuba might well be given the 75 cents per 100 pounds as an increase in price for her 1945 crop, adding up to the equivalent of what Mexico has just paid Peru for 10,000 tons and close to the equivalent of what Chile also paid Peru for 56,000 tons.

It is high time that Cuba should get what is due her. We have often been told that the reasons for denying Cuba a rightful increase in price were the undesirability of raising the ceiling price and the impossibility of granting subsidies to a foreign country. Our suggestion removes all these obstacles and leaves no acceptable excuse for not taking immediate action to correct an unfair situation as harmful to Cuba from the viewpoint of social standards as it is detrimental to the United States from the viewpoint of vital supplies.

Mr. VANDENBERG. I shall not take the time of the Senate to read in detail the statement which I have just received unanimous consent to have printed in the RECORD. I simply summarize it by saying that the whole argument is that

now, at long last, our own Government has set the pattern for giving Cuba the price it thinks it should have on its sugar with reference to the American price. I merely assert, at least for myself, that any temporary tariff cancellations—proper under the law—shall not be used as a basis for import subsidies, or as a basis for a post-war precedent in respect to our tariffs.

Mr. JOHNSON of Colorado. Mr. President, will the Senator yield?

Mr. VANDENBERG. I yield.

Mr. JOHNSON of Colorado. I am sure the Senator from Michigan agrees that there is nothing in the original Sugar Act, and nothing in the proposed extension of the act which would give Cuba any basis for such a contention as the Senator has described.

Mr. VANDENBERG. I cordially agree with the Senator from Colorado.

I took this matter up with the Treasury Department. I ask to have the reply received from Secretary Morgenthau printed in the RECORD at this point as a part of my remarks.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

TREASURY DEPARTMENT,  
Washington, May 31, 1944.

HON. ARTHUR H. VANDENBERG,  
United States Senate,

Washington, D. C.

MY DEAR SENATOR: Further reference is made to your letter of May 20, 1944, requesting to be advised whether certain information you have in connection with Cuban raw sugar purchased by the Commodity Credit Corporation is correct.

It is your understanding that Commodity Credit Corporation purchased the total Cuban crops for the last 2 years, imported such sugar into the United States, paying the regular duty, and then sold it to the seaboard refiners for the duty-paid price. You have been told that, by arrangements between the Commodity Credit Corporation and the Treasury Department, the Commodity Credit Corporation will now bring Cuban sugar in duty-free and sell it to the refiners at the duty-paid price. You state that this would not make any final difference from a financial standpoint so far as the Government is concerned but that it would seem to act the same as an increase in the appropriations to the Commodity Credit Corporation and that it would seem to put Cuban sugar on the free list despite tariff laws to the contrary.

I have looked into this matter and am pleased to furnish you with the following information:

The act of June 30, 1914 (34 U. S. C. 568), authorizes the Secretary of the Navy to make emergency purchases of war material abroad and provides that when such purchases are made the material shall be admitted free of duty. Effective May 30, 1942, the authority contained in the act of June 30, 1914, was extended under the authority of the First War Powers Act, 1941, approved December 18, 1941 (Public Law 354, 77th Cong.), to the officers and agencies specified and described in Executive Order No. 9177.

Under date of May 11, 1944, the president of the Commodity Credit Corporation, one of the governmental agencies entitled to the benefits of the act of June 30, 1914, as extended, addressed to the Commissioner of Customs a communication (1) stating that shipments of raw sugar would arrive at certain ports of entry in the United States beginning May 14, 1944, consigned to or covered by bills of lading endorsed to the Com-



modity Credit Corporation and would be entered in the name of that Corporation; (2) certifying, in accordance with section 2 of Executive Order No. 9177, that the procurement of such shipments of sugar constituted an emergency purchase of war material abroad by the Commodity Credit Corporation; and (3) requesting that such shipments be admitted free of duty pursuant to the act of June 30, 1914, and Executive Order No. 9177. Accordingly, the Commissioner of Customs authorized the collectors of customs at the ports designated to accord free entry to the shipments of raw sugar described in the communication of May 11, 1944, from the Commodity Credit Corporation.

Free entry also was accorded to certain shipments of sugar imported prior to May 14, 1944, which were certified to by the Commodity Credit Corporation under the act of June 30, 1914, and Executive Order No. 9177. The Treasury Department understands, however, that prior to May 14, 1944, Cuban sugar was entered for consumption in the name of and duties were paid by the refiners.

The Treasury Department has no knowledge of the terms of the contracts between the Commodity Credit Corporation and the refiners and, consequently, is unable to advise you as to the prices at which sugar is sold to refiners.

Very truly yours,

H. MORGENTHAU, Jr.,  
Secretary of the Treasury.

Mr. VANDENBERG. I am raising the question not because I believe there is a remote basis for the Cuban claim, or expectation. I wish to make it plain, however, that such expectation exists, and that it is based upon the present practice of the Commodity Credit Corporation in respect to the cancelation of duties on Cuban sugar. I am doing precisely what the Senator from Colorado has indicated. I am asserting my own belief that there is no basis under the act, or under the existing emergency importations, for any contemplation which would justify any Cuban claim to a benefit from the canceled tariffs, now or hereafter.

Mr. MURDOCK. Mr. President, will the Senator yield?

Mr. VANDENBERG. I yield.

Mr. MURDOCK. I wish to express my interest in the proposed legislation. I hope that it will be favorably acted upon at this time by the Senate.

The PRESIDING OFFICER. The bill is before the Senate and open to amendment. If there be no amendment to be offered, the question is on the third reading of the bill.

The bill was ordered to a third reading, read the third time, and passed.

The PRESIDING OFFICER. Without objection, Senate bill 1933 will be indefinitely postponed.

#### PREFERENCE TO VETERANS IN FEDERAL CIVIL SERVICE

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of House bill 4115.

The PRESIDING OFFICER. The bill will be read by title for the information of the Senate.

The CHIEF CLERK. A bill (H. R. 4115) to give honorably discharged veterans, their widows, and the wives of disabled veterans, who themselves are not qualified, preference in employment where Federal funds are disbursed.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Virginia?

There being no objection, the Senate proceeded to consider the bill (H. R. 4115) which had been reported from the Committee on Civil Service with amendments.

The first amendment of the Committee on Civil Service was, in section 1, on page 2, line 7, after the word "served", to strike out "honorably" and insert "on active duty."

The amendment was agreed to.

The next amendment was, on the same page, line 8, after "United States", to insert "and have been separated therefrom under honorable conditions and."

The amendment was agreed to.

The next amendment was, on the same page, line 15, after the words "ex-servicemen", to strike out "and the husbands of such service-connected disabled ex-servicewomen."

The amendment was agreed to.

The next amendment was, on the same page, line 18, after the word "served", to strike out "honorably" and insert "on active duty."

The amendment was agreed to.

The next amendment was on the same page, line 21, after the word "authorized", to strike out "the widowers of any deceased ex-servicewomen who have served honorably in any branch of the armed forces of the United States during any war or in any campaign or expedition (for which a campaign badge has been authorized) who are supporting any children under 18 years of age of such deceased ex-servicewomen" and insert "and who were separated therefrom under honorable conditions."

The amendment was agreed to.

The next amendment was, on page 3, line 3, after the word "those", to strike out "honorably discharged."

The amendment was agreed to.

The next amendment was, on the same page, line 4, after the word "served", to insert "on active duty."

The amendment was agreed to.

The next amendment was, on the same page, line 7, after the word "authorized", to insert "and have been separated therefrom under honorable conditions."

The amendment was agreed to.

The next amendment was, in section 5, on page 4, line 18, after the word "physician", to strike out "in the service of the United States."

The amendment was agreed to.

The next amendment was, in section 12, on page 8, line 17, after the word "efficiency", to strike out "rating" and insert "ratings."

The amendment was agreed to.

The next amendment was, in section 15, on page 11, line 10, after the word "eligibles", to insert "except of 10-point preference eligibles."

The amendment was agreed to.

The next amendment was, in section 20, on page 12, line 17, after the word "apply", to insert "to any position in or under the legislative or judicial branch of the Government or."

The amendment was agreed to.

Mr. WHITE. Mr. President, I should like to ask the Senator from Virginia whether this bill comes before the Senate with the unanimous report of the Committee on Civil Service.

Mr. BYRD. Mr. President, in response to the question of the Senator from Maine, I may say that the bill passed the other House with only 1 dissenting vote. The vote there was 375 to 1. The bill comes to the Senate with the unanimous report of the Committee on Civil Service. It has the approval of the President of the Civil Service Commission and of all the veterans' organizations.

Mr. WHITE. Mr. President, I know of no objection to the bill on the part of any Member on this side of the Chamber.

The PRESIDING OFFICER. The bill is before the Senate and open to further amendment. If there be no further amendment to be offered, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed, and the bill was read a third time.

The bill (H. R. 4115) was read the third time and passed.

#### ENTRY OF REFUGEES AND OTHER ALIENS INTO THE UNITED STATES

Mr. HOLMAN. Mr. President, this morning the President of the United States addressed a message to the Congress dealing with the distress of the Jewish people in Europe and his purpose to bring immediately into the United States approximately 1,000 refugees who have fled from their homelands to southern Italy.

I am advised that the President of the United States has no constitutional authority thus to set aside and violate the laws of the Congress restricting immigration into our country. Because I am in sympathy with the humanitarian problem involved, while at the same time I am opposed to the President's policy of ignoring the limitations placed upon him by the laws of the Congress and would protect the President personally from the provisions of title VIII, section 144, United States Code, I read the language of section 144 for the benefit of the Senate, the House of Representatives, the President, and the American people:

144. Bringing in or harboring or concealing certain aliens:

Any person, including the master, agent, owner, or consignee of any vessel, who shall bring into or land in the United States, by vessel or otherwise, or shall attempt, by himself or through another, to bring into or land in the United States, by vessel or otherwise, or shall conceal or harbor or attempt to conceal or harbor, or assist or abet another to conceal or harbor, in any place, including any building, vessel, railway car, conveyance, or vehicle, any alien not duly admitted by an immigrant inspector or not lawfully entitled to enter or to reside within the United States, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding \$2,000 and by imprisonment for a term not exceeding 5 years for each and every alien so landed or brought in or attempted to be landed or brought in. (February 5, 1917, c. 29, par. 8, 39 Stat. 880.)







# NIGHT DIFFERENTIAL FOR CERTAIN EMPLOYEES

Mr. RAMSPECK. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H. R. 3891) to provide night differential for certain employees, with a Senate amendment, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Line 6, after "paid", insert "in respect of their regular workweek of 40 hours and except when in leave status."

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, will the gentleman explain this amendment?

Mr. RAMSPECK. The effect of this amendment is to make certain that the night differential applies only to the basic pay for 40 hours, and does not apply to the overtime which is now being paid under the War Overtime Act.

The SPEAKER. Is there objection to the request of the gentleman from Georgia [Mr. RAMSPECK]?

There was no objection.

The Senate amendment was agreed to. A motion to reconsider was laid on the table.

# PREFERENCE EMPLOYMENT FOR VETERANS

Mr. RAMSPECK. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 4115) to give honorably discharged veterans, their widows, and the wives of disabled veterans, who themselves are not qualified, preference in employment where Federal funds are disbursed, with Senate amendments, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 2, line 7, strike out "honorably" and insert "on active duty."

Page 2, line 8, after "States", insert "and have been separated therefrom under honorable conditions and."

Page 2, lines 13 and 14, strike out "and the husbands of such service-connected disabled ex-servicewomen."

Page 2, line 17, strike out "honorably" and insert "on active duty."

Page 2, line 20, strike out all after "authorized)", down to and including "ex-servicewomen" in line 25 and insert "and who were separated therefrom under honorable condition."

Page 2, line 25, and page 3, line 1, strike out "honorably discharged."

Page 3, line 1, after "served", insert "on active duty."

Page 3, line 4, after "authorized)", insert ", and have been separated therefrom under honorable conditions."

Page 4, lines 14 and 15, strike out "in the service of the United States."

Page 5, line 5, after "of", insert "a."

Page 8, line 15, strike out "rating" and insert "ratings."

Page 11, line 11, after "eligibles", insert ", except of 10-point preference eligibles."

Page 12, line 19, after "apply", insert "to any position in or under the legislative or judicial branch of the Government or."

The SPEAKER. Is there objection to the request of the gentleman from Georgia [Mr. RAMSPECK]?

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, this seems like rather extended Senate amendments. Will the gentleman please explain the effect of those amendments?

Mr. RAMSPECK. This is the veterans' preference bill, which was passed in the House and in the Senate without a dissenting vote, as far as I recall, except one vote in the House.

The only substantive amendment made by the Senate was to eliminate the provision of the bill which would have given preference to widowers of women who served in the armed services. The other amendments are technical amendments. Where the House bill read "honorably discharged" the Senate substitutes "served under honorable conditions."

Mr. MARTIN of Massachusetts. The Senate amendment eliminates the preference for widowers of women in the armed services?

Mr. RAMSPECK. Yes. These amendments were considered by the Civil Service Committee.

Mr. MARTIN of Massachusetts. Is that a proper amendment to consider the day after Father's Day?

Mr. RAMSPECK. There was some difference of opinion about that in the committee. The gentleman from Indiana [Mr. LaFOLLETTE] made very vigorous defense of his amendment. The majority of the committee thought we should get through with this bill and accept the Senate amendments.

Mr. HOFFMAN. Mr. Speaker, reserving the right to object, is this an amendment to the bill that is supposed to give preference to returning veterans?

Mr. RAMSPECK. That is correct.

Mr. HOFFMAN. I notice the returning veterans have to get cards under these security-of-membership contracts in order to hold a job. They may have to pay the C. I. O. Political Action Committee that dollar for political purposes unless we take proper action. Is there anything in there that will exempt the boys from that?

Mr. RAMSPECK. This bill relates to Government service only. No Government employee is ever required to join a union or pay any dues to a union.

Mr. HOFFMAN. But where they have Government money on these war contracts they have to come across. Does not this apply to that at all?

Mr. RAMSPECK. This does not apply to that at all.

Mr. HOFFMAN. You mean you just give the veterans preference in Government jobs?

Mr. RAMSPECK. That is all this bill does.

Mr. HOFFMAN. How do you distinguish between Government jobs and jobs which have Government money?

Mr. RAMSPECK. The Civil Service Committee has no jurisdiction over the question the gentleman has raised.

Mr. HOFFMAN. The President has this railroad out there in Illinois. He has had it for a couple of years. Do the veterans have preference for jobs on that? They should have.

Mr. RAMSPECK. No; they are not civil-service employees.

Mr. HOFFMAN. I would like to know, if we can, who is contributing to that political fund.

The SPEAKER. Now, if these matters are going to take time they will simply have to go over.

Mr. HOFFMAN. Then I think we ought to take some time and consider them.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

Mr. HOFFMAN. I think I will object for the present. The veterans should be taken care of, not required to pay for jobs.

The SPEAKER. Objection is heard.

# AMENDING SECTION 12 (b) OF THE ACT OF MAY 29, 1930

Mr. RAMSPECK. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 4292), an act to amend section 12 (b) of the act of May 29, 1930, as amended, and consider the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments as follows:

Line 4, after "following" insert "the word 'employees' where it appears at the end of." Line 5, strike out "except that" and insert "Provided further, That."

Mr. RAMSPECK. I also offer an amendment.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, will the gentleman explain the bill?

Mr. RAMSPECK. This is only a technical amendment. The Senate put in the word "employees", instead of "employee"; and I am offering the amendment to change that.

The other Senate amendment makes no change in the substance of the act at all; it is just language.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

The Clerk read the Senate amendments, as follows:

Line 4, after "following", insert "the word 'employees' where it appears at the end of." Line 5, strike out "except that" and insert "Provided further, That."

The SPEAKER. The Clerk will report the amendment offered by the gentleman from Georgia.

The Clerk read as follows:

Amendment offered by Mr. RAMSPECK: Amend the amendment of the Senate No. 1 by striking out the word "employees" and inserting in lieu thereof the word "employee."

The amendment was agreed to.

The Senate amendments were agreed to.

A motion to reconsider was laid on the table.



COMPUTATION OF INTEREST ON CONTRIBUTIONS TO CIVIL-SERVICE RETIREMENT FUND RETURNED TO EMPLOYEES UPON THEIR SEPARATION FROM THE SERVICE

Mr. RAMSPECK. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 4320) relating to the computation of interest on contributions to the civil-service retirement fund returned to employees upon their separation from the service, with Senate amendments, and agree to the Senate amendments.

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, may we have an explanation?

Mr. RAMSPECK. These amendments do not change the effect of the bill at all.

Mr. MARTIN of Massachusetts. They make no change in the text?

Mr. RAMSPECK. No.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

The Clerk read the Senate amendments, as follows:

Line 7, after "month", insert "in the total service of an officer or employee."

Line 7, strike out all after "disregarded" down to and including "month" in line 9.

The Senate amendments were agreed to.

A motion to reconsider was laid on the table.

AMENDMENT OF MISSING PERSONS ACT OF MARCH 7, 1942

Mr. VINSON of Georgia. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H. R. 4405) to amend the act approved March 7, 1942 (Public Law 490, 77th Cong.), as amended, so as to more specifically provide for pay, allotments, and administration pertaining to war casualties, and for other purposes.

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, do I understand this is the bill that provides that the pay of persons missing in action shall be continued until their fate is determined?

Mr. VINSON of Georgia. Mr. Speaker, this is an administrative amendment clarifying the Missing Persons Act.

Mr. MARTIN of Massachusetts. How does it clarify it?

Mr. VINSON of Georgia. It clarifies it in a great many respects; for instance, in reference to civil employees of a department, it defines what constitutes a civil employee of the department instead of a temporary employee or an hourly employee. It also permits a department to determine that the death of an employee occurred on the day it happened instead of the date on which they get the report of the death.

The bill is unanimously recommended by the Navy Department, the War Department, and is reported by the Naval Affairs Committee with a very magnificent report prepared by the gentleman from Massachusetts [Mr. BATES].

Mr. MARTIN of Massachusetts. Was the action of the committee unanimous?

Mr. VINSON of Georgia. It was reported unanimously. If there are any

questions, I ask that the gentleman from Massachusetts [Mr. BATES] explain them.

Mr. ROBSION of Kentucky. Mr. Speaker, will the gentleman from Massachusetts yield that I may ask a question?

Mr. MARTIN of Massachusetts. I yield.

Mr. ROBSION of Kentucky. I have a number of people from my district who have been carried as missing in action for more than 2 years in this war. They get the same report all the time, with nothing done about it. Their parents are carrying insurance, and so on, and supporting the dependents. Is there anything in this bill that would bring about a quicker determination so that persons, such as I refer to, who are lost in battles at sea in the Pacific will not be just carried as "missing in action"?

Mr. BATES of Massachusetts. Mr. Speaker, the very purpose of the bill, of course, is more specifically to provide for pay, allotments, and administration pertaining to war casualties. It has no direct relation to the question raised by the gentleman from Kentucky except to provide that where a man is missing for more than a year the Department, unless they have some evidence that the man may be alive, determines that he is dead. If, however, there is some doubt in the mind of the Department that the man be dead—and that may be the case to which the gentleman from Kentucky [Mr. Robsion] refers—they continue him on the pay roll until such time as they reasonably feel that the man is dead. A finding of presumptive death is then entered.

The War Department and the Navy Department have received reports of men who have been prisoners in Japan for a period as long as 24 months.

Mr. ROBSION of Kentucky. But in these cases where the men were killed in actual battle, at Guadalcanal and other places in the Pacific—

Mr. BATES of Massachusetts. I can speak with some knowledge of that situation because I had a member of my own family killed at Guadalcanal. It was several months after he and some of his comrades were killed before actual notice of his death came to the Navy Department.

Mr. ROBSION of Kentucky. The men I have in mind were killed in 1942, and no action has been taken yet.

Mr. BATES of Massachusetts. Where the determination can be made by the Department it is being made as rapidly as possible. Where there is doubt about a man's death they continue him in a missing status.

The purpose of this bill is to amend Public Law 490 of the Seventy-seventh Congress so as to more specifically provide for pay allotments and administration pertaining to war casualties.

The object of these amendments is to clearly define and prescribe more equitable periods of entitlement to pay and allowances of persons within the purview of the act; adjustment of accounts of such persons in connection with their pay and allowances and allotments; to eliminate questions of inequitable recoveries; and to confer and clarify departmental authority to make conclusive

determinations required for effective and equitable administration.

More than 2 years have now passed since the basic act was passed by Congress, and during this period of 2 years there have been unusual developments in the extent and character of land, sea, and air operations. There have been unanticipated situations and circumstances surrounding the absences of personnel and pertaining to the fiscal entitlements of absent and deceased personnel and their dependents.

To meet the present anticipated conditions during the war and post-war period, there is a need of a more definite fixing of responsibility upon the War and Navy Departments, along with authority to meet these responsibilities by prompt and conclusive determinations. There is also a need for clear and equitable provisions for the guidance of the Departments and of the accounting officers in such matters as entitlement to pay and allowances, payment of allotments, collection of overpayments, preparation and settlement of accounts.

This bill is designed to meet such needs as have arisen and as are anticipated in such manner as to insure the considerate and equitable treatment by their Government of those citizens who, as either members of the armed forces or as dependents of such members, suffer the hazards of war conveyed by now familiar terms, such as missing in action, prisoner of war, killed in action.

The basic act has been very effective in wartime casualty administration. It was to a large extent based upon more or less normal war experiences, and upon the expectation that our enemies would observe international agreements and conditions. It was enacted in the early days of the war; the Battle of the Java Sea had just been fought; Bataan and Corregidor were still holding.

With more than 2 years of experience in the administration of the basic act the departments have had ample opportunity to consider desirable and necessary changes based upon unusual developments in the extent and character of the present war. The departments are now fully cognizant of the changing problems involved in casualty administration. Long delays must be expected in receiving reports of prisoners of war. Belated reports of casualties will arise in many cases.

H. R. 4405, if enacted, would do away with certain inequities which have arisen; would enable the departments effectively and equitably to meet the conditions of the war which have developed. In general, this bill amends the Missing Persons Act by making certain necessary clarifications; by more definitely prescribing entitlements in regard to pay and allowances, allotments of pay, and the accounts of missing or deceased persons. It confers the necessary authority for the administrative and conclusive departmental determinations which are required for effective and equitable administration.

Section 1 of the bill amends section 1 of the act by redefining the term "civilian employee" of a department for the purposes of the act, by adding to the present







The SPEAKER. Without objection, it is so ordered.

There was no objection.

#### EXTENSION OF REMARKS

Mr. FISHER. Mr. Speaker, I ask unanimous consent to revise and extend the remarks I will make at that time.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

#### PREFERENCE EMPLOYMENT FOR VETERANS

Mr. RAMSPECK. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 4115) to give honorably discharged veterans, their widows, and the wives of disabled veterans, who themselves are not qualified, preference in employment where Federal funds are disbursed, with Senate amendments, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 2, line 7, strike out "honorably" and insert "on active duty."

Page 2, line 8, after "States", insert "and have been separated therefrom under honorable conditions and."

Page 2, lines 13 and 14, strike out "and the husbands of such service-connected disabled ex-servicewomen."

Page 2, line 17, strike out "honorably" and insert "on active duty."

Page 2, line 20, strike out all after "authorized)", down to and including "ex-servicewomen" in line 25 and insert "and who were separated therefrom under honorable conditions."

Page 2, line 25, and page 3, line 1, strike out "honorably discharged."

Page 3, line 1, after "served", insert "on active duty."

Page 3, line 4, after "authorized)", insert "and have been separated therefrom under honorable conditions."

Page 4, lines 14 and 15, strike out "in the service of the United States."

Page 5, line 5, after "of", insert "a."

Page 8, line 15, strike out "rating" and insert "ratings."

Page 11, line 11, after "eligibles", insert "except of 10-point preference eligibles."

Page 12, line 19, after "apply", insert "to any position in or under the legislative or judicial branch of the Government or."

The SPEAKER. Is there objection to the request of the gentleman from Georgia [Mr. RAMSPECK]?

There was no objection.

The Senate amendments were agreed to.

A motion to reconsider was laid on the table.

#### EXTENSION OF REMARKS

Mr. COCHRAN. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. CELLER] may be permitted to extend his remarks in the Appendix of the RECORD, and include an article on the electoral college.

The SPEAKER. Is there objection? There was no objection.

[The matter referred to will appear hereafter in the Appendix.]

#### PERMISSION TO ADDRESS THE HOUSE

Mr. SIKES. Mr. Speaker, I ask unanimous consent that after the conclusion of the business today and any other spe-

cial orders heretofore entered I may address the House for 10 minutes.

The SPEAKER. Is there objection? There was no objection.

#### WOOL PRODUCTION

Mr. HILL. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection? There was no objection.

Mr. HILL. When we were discussing the appropriation for U. N. R. R. A., I took the floor and did the best I knew how to explain what was happening to the wool producers of this country. Now I learn that the Commodity Credit Corporation is charging from one and one-eighth cents per pound up to two and four-fifths cents per pound for grading domestic wool. I enclose a table showing the total charges for grading this wool.

The following tabulation shows the total charge made with respect to all wool purchased by Commodity Credit Corporation through May 13, 1944:

| Type of wool                | Quantity purchased (pounds) | Rate per pound | Service and appraisal charge |
|-----------------------------|-----------------------------|----------------|------------------------------|
|                             |                             | Cents          |                              |
| Shorn wool (grease) . . .   | 220,370,217                 | 11½            | \$2,479,164.94               |
| Pulled wool (grease) . . .  | 26,160,128                  | 13½            | 294,301.44                   |
| Shorn wool (scoured) . . .  | 2,737,418                   | 2½             | 76,647.01                    |
| Pulled wool (scoured) . . . | 25,696,452                  | 18½            | 449,687.91                   |
| Total . . . . .             | 274,964,215                 |                | 3,299,801.33                 |

When Alexander Johnston, Chief of the Wool Division of the War Food Administration appeared before our committee he testified, and I quote—pages 71-72; hearing:

Mr. JOHNSTON. We have a particular test here which I will tell you about in a moment; I will give you the results of that. Two men in eastern Colorado, or western Kansas, I don't remember the exact spot, had a clip amounting to 50 bags and as it was being sheared one man took the even-numbered bags and the other took the odd-numbered bags, and they shipped it to the handler at two different spots under each man's name, you understand; and when the estimates of shrinkage came back on that wool one was 70 percent and other was 74 percent. The 74 percent wool was valued at \$1.15 and the 70 percent wool was valued at approximately 5 cents more per pound than one fellow received above the other.

This [indicating on chart] is an average variation.

To give you the results in another way, on those 88 clips 54.5 percent of the core tests were within 1 percent of the actual shrinkage of the 10 bags, and of the appraisers only 25 percent, which is a little more than twice as great.

#### EXTENSION OF REMARKS

By unanimous consent, Mr. HOFFMAN was granted permission to extend his own remarks in the RECORD.

#### DEPARTMENT OF AGRICULTURE APPROPRIATION BILL, 1945—CONFERENCE REPORT

The SPEAKER. The Clerk will report the next amendment in disagreement, Senate amendment No. 41.

The Clerk read as follows:

Amendment No. 41, page 58, line 10, after the word "projects", strike out the words "including the cost of progressive and final liquidation of all of said project during the fiscal year 1945."

Mr. TARVER. Mr. Speaker, I move that the House further insist upon its disagreement to the Senate amendment No. 41.

Mr. ANDERSON of California. Mr. Speaker, I offer a preferential motion.

The Clerk read as follows:

Mr. ANDERSON of California moves to recede and concur in Senate amendment No. 41.

Mr. TARVER. Mr. Speaker, I yield 4 minutes to the gentleman from California [Mr. ANDERSON].

Mr. ANDERSON of California. Mr. Speaker, I sincerely trust that the House will recede and concur in Senate amendment No. 41, which makes it possible to continue the emergency guayule rubber project.

When the Department of Agriculture appropriation bill originally passed the House the House Appropriations Committee appropriated the sum of \$3,952,585, but also provided for the complete and final liquidation of the project during the next fiscal year. At that time, however, the House committee had not had an opportunity to consult with Bradley Dewey, Rubber Director, nor did it have an opportunity to consider the report that has since been filed by the Poage committee, a special subcommittee of the House Committee on Agriculture. The Poage committee has visited California and Texas, made a thorough inspection of the emergency guayule rubber project, and has unanimously recommended that it be continued. This view of the subcommittee has been concurred in by the full Committee on Agriculture.

It seems to me that there are a couple of fundamental policies involved that are going to be decided when we vote on this question. One is, Are we going to always continue to be dependent upon foreign sources for our entire supply of crude rubber? The other is, Do we believe in getting some return on our investment prior to liquidating a project of this kind?

Up to the present time some \$45,000,000 has been appropriated, of which approximately \$33,000,000 has been spent. We have now 32,000 acres of potential crude rubber in the field which, if harvested in an orderly fashion, following the 5 or 6 year liquidation program that has been advocated by the Forest Service, will yield us between 25,000 and 30,000 tons of crude rubber. It seems to me that we should get this return on our investment before we think of liquidating this project.

Up to the present time we have only produced some 440 long tons of crude rubber. It is good rubber. The Navy Department says so. The Rubber Director says so. The rubber factories, the rubber companies who use it, tell us it is good rubber. We do not need to worry about the fact that guayule does not produce rubber products which we need. We know it is excellent for mixing with synthetic rubbers in order to manufac-



ture rubber products that are vital to the war effort.

The argument is advanced that we will not have enough rubber from guayule to be important to the war effort. That is neither here nor there. We need crude rubber. Our inventory is dropping rapidly. If the Members will refer to that letter which I mailed them last Saturday, together with a copy of a letter from the Rubber Director, you will find that our inventory of crude rubber will be down to the very low figure of about 50,000 tons by the end of this calendar year. The Rubber Director says that to him it is unthinkable that we would liquidate any potential source of crude rubber under those conditions. I heartily agree with him. I do hope the House will vote to sustain the motion I have offered to recede and concur in Senate amendment No. 41.

Mr. PHILLIPS. Mr. Speaker, will the gentleman yield?

Mr. ANDERSON of California. I yield gladly.

Mr. PHILLIPS. It would be well to say that in terms of money and in simple language the amount involved in this appropriation will bring back, by harvesting the present crop, about three times the appropriation?

Mr. ANDERSON of California. Yes. I would like to point out that if the project is liquidated next year, the cost of the very small amount of rubber obtained will be in the neighborhood of \$3 a pound. If we go through an orderly program of liquidating during the next 5 or 6 years we will reduce that cost to about 53 cents a pound, which is considerably less than we are now spending for the small amount of rubber that we get from South America.

Mr. Speaker, in my humble judgment the Senate has taken the proper course and the House should concur. If we had followed the excellent advice of General Eisenhower in 1930 we would not have been caught with our rubber pants down on December 7, 1941.

We can and should take a farsighted view of the rubber situation and move now to protect our country from future shortages and from the domination of the powerful British-Dutch rubber monopoly. All of us hope that the war in the Pacific will be speedily and successfully terminated and that our former sources of crude rubber will again become available. However, I do not share the beautiful optimism of those who seem to think that the rubber plantations will be left intact and ready to produce by the Japanese.

The United States is spending millions of dollars annually on research and experimentation in various fields of endeavor. Why not spend some of this money in an attempt to develop a critical product that is so essential to our domestic economy?

Under leave to extend my remarks, I wish to include the following letter from the Rubber Director:

WAR PRODUCTION BOARD,  
Washington, D. C., June 17, 1944.

DEAR MR. CONGRESSMAN: I am informed that the conferees report on the appropriation bill for the Department of Agriculture for the fiscal year ending June 1945, may be

under consideration shortly. I feel that Members of the House of Representatives should be advised of my recent testimony before various committees of the Congress.

"I do not take any position on guayule as a commercial post-war crop but, as Rubber Director, I believe I would be derelict in my duty if I were to allow to pass without protest a decision that at this time would liquidate any supplies of crude rubber, whether growing in American fields, or in warehouses, as a result of operations in the jungles of South and Central America.

"\* \* \* In the meantime, we will be draining down our stock pile which is also too low today. We are down today to less than 115,000 tons of crude. We will be down to 55,000 tons by the end of the year. So, there is no question about the fact that we need crude rubber.

In view of the facts expressed above I sincerely trust that the House of Representatives will vote to adopt the Senate version of the section pertaining to the emergency rubber project. I am told that this would necessitate the House taking action to agree with the Senate on amendment No. 41.

Sincerely yours,

BRADLEY DEWEY,  
Rubber Director.

The SPEAKER. The time of the gentleman from California has expired.

Mr. ANDERSON of California. Mr. Speaker, I ask unanimous consent that I may extend my remarks and include therewith a letter which I received from Mr. Bradley Dewey, Rubber Director.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. TARVER. Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Mr. POAGE].

Mr. POAGE. Will the gentleman not yield me 5 minutes?

Mr. TARVER. Several Members have indicated a desire to speak in behalf of this motion, and so far as I know, I shall take the only time in opposition to it. It seems to me that if the gentleman would be satisfied with 2 minutes, that would be sufficient.

Mr. POAGE. Of course, I will take whatever time the gentleman gives me, but the gentleman told me 10 days ago that I would be given 5 minutes. I did anticipate that is what I would have.

Mr. TARVER. If the gentleman is under the impression that I made such a statement to him I will yield him 5 minutes.

Mr. POAGE. Does not the chairman recall making that statement, because I asked him for 10 minutes and he said he would give me 5 minutes.

Mr. TARVER. I do not remember that. If the gentleman says I promised him 5 minutes I will yield him 5 minutes.

The SPEAKER. The gentleman from Texas is recognized for 5 minutes.

Mr. POAGE. Mr. Speaker, I will attempt to consume as little time as possible in calling the attention of the membership to the one question I think is involved in this guayule program. That is whether we are going to continue an important national insurance policy or whether we are going to let our insurance lapse for failure to pay the annual premium. I look upon our existing guayule acreage as the best and only insurance that we as a nation have against a complete lack of natural rubber. Possibly

we will never need it. We hope we will not need it. We hope the war will be over; we hope our scientists will soon be able to produce synthetic rubber that will serve satisfactorily for all purposes without the admixture of any natural rubber. Unfortunately, we have no such synthetic rubber today. Just this morning I took a tire down to have it recapped. Much more important, you simply cannot build the tires needed for our B-29's and other heavy equipment with any synthetic rubber yet produced. It may be that next week someone will discover a new type of synthetic rubber, but I do not want to make our soldiers and sailors rely on such an uncertain event. We hope we never need to use an ounce of this guayule rubber; but, Mr. Speaker, I carry insurance, and so do most of the Members. At the same time, I never bought an insurance policy on which I wanted to collect. This Government may not have to use this guayule rubber, but just as surely as you need your life- and fire-insurance policies, just so surely does this Government need the insurance afforded by this 33,000 acres of guayule that the gentleman from Georgia would plow up. Unless the gentleman can give us some better guaranty as to the length of the war or the progress of future scientific development than he has been able to do, I think we would do well to pay the premiums on our rubber-insurance policy for another year.

The gentleman from Georgia would have us follow the bookkeeping of a man who would plant an apple orchard and at the end of 20 months go out and balance his books and determine he had spent a great deal more money planting his apple orchard than he had taken in in the production of apples from that orchard. That is exactly what we have in the case of guayule. We have a shrub that requires approximately 4 years for the minimum cycle of production. We knew it required that long when we planted it. We know that we cannot produce apples at the end of the first year. We knew we could not produce guayule at the end of 20 months in any appreciable quantities. I am not, therefore, very deeply impressed when the gentleman from Georgia tells us that the guayule project has not paid a profit. He will doubtless tell you that we have spent approximately \$30,000,000. That is correct. We have spent that much on the natural-rubber projects of the United States. He will tell you that we have produced but a small quantity of guayule rubber. That is likewise correct. But nobody expected us to produce guayule rubber at the end of 20 months. We have actually done far better than we had a right to expect. We have our nurseries. We have our fields planted with 33,000 acres of guayule about 20 months old. If we leave it there approximately that much longer, we should be able to harvest from 25,000 to 30,000 tons of natural rubber just like this sample which I have here. I want the Members to notice that this is natural rubber. It is not synthetic rubber. We will be able to harvest natural rubber from that guayule which the conferees would have us plow up. We have produced sub-







[PUBLIC LAW 359—78TH CONGRESS]

[CHAPTER 287—2D SESSION]

[H. R. 4115]

AN ACT

To give honorably discharged veterans, their widows, and the wives of disabled veterans, who themselves are not qualified, preference in employment where Federal funds are disbursed.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That this Act may be cited as the "Veterans' Preference Act of 1944".

SEC. 2. In certification for appointment, in appointment, in reinstatement, in reemployment, and in retention in civilian positions in all establishments, agencies, bureaus, administrations, projects, and departments of the Government, permanent or temporary, and in either (a) the classified civil service; (b) the unclassified civil service; (c) any temporary or emergency establishment, agency, bureau, administration, project, and department created by Acts of Congress or Presidential Executive order; and (d) the civil service of the District of Columbia, preference shall be given to (1) those ex-service men and women who have served on active duty in any branch of the armed forces of the United States and have been separated therefrom under honorable conditions and who have established the pre-existence of a service-connected disability or who are receiving compensation, disability retirement benefits, or pension by reason of public laws administered by the Veterans' Administration, the War Department or the Navy Department; (2) the wives of such service-connected disabled ex-servicemen as have themselves been unable to qualify for any civil-service appointment; (3) the unmarried widows of deceased ex-servicemen who served on active duty in any branch of the armed forces of the United States during any war, or in any campaign or expedition (for which a campaign badge has been authorized), and who were separated therefrom under honorable conditions; and (4) those ex-servicemen and women who have served on active duty in any branch of the armed forces of the United States, during any war, or in any campaign or expedition (for which a campaign badge has been authorized), and have been separated therefrom under honorable conditions.

SEC. 3. In all examinations to determine the qualifications of applicants for entrance into the service ten points shall be added to the earned ratings of those persons included under section 2 (1), (2), and (3), and five points shall be added to the earned ratings of those persons included under section 2 (4) of this Act: *Provided*, That in examinations for the positions of guards, elevator operators, messengers, and custodians competition shall be restricted to persons entitled to preference under this Act as long as persons entitled to preference are available and during the present war and for a period of five years following the termination of the present war as provided by the President or by a concurrent resolution of the Con-

gress for such other positions as may from time to time be determined by the President.

SEC. 4. In examinations where experience is an element of qualification, time spent in the military or naval service of the United States shall be credited in a veteran's rating where his or her actual employment in a similar vocation to that for which he or she is examined was interrupted by such military or naval service. In all examinations to determine the qualifications of a veteran applicant, credit shall be given for all valuable experience, including experience gained in religious, civic, welfare, service, and organizational activities, regardless of whether any compensation was received therefor.

SEC. 5. In determining qualifications for examination, appointment, promotion, retention, transfer, or reinstatement, with respect to preference eligibles, the Civil Service Commission or other examining agency shall waive requirements as to age, height, and weight, provided any such requirement is not essential to the performance of the duties of the position for which examination is given. The Civil Service Commission or other examining agency, after giving due consideration to the recommendation of any accredited physician, shall waive the physical requirements in the case of any veteran, provided such veteran is, in the opinion of the Civil Service Commission, or other examining agency physically able to discharge efficiently the duties of the position for which the examination is given. No minimum educational requirement will be prescribed in any civil-service examination except for such scientific, technical or professional positions the duties of which the Civil Service Commission decides cannot be performed by a person who does not have such education. The Commission shall make a part of its public records its reasons for such decision.

SEC. 6. Preference eligibles shall not be subject to the provision of section 9 of the Civil Service Act concerning two or more members of a family in the service, or to the provisions of section 2 of that Act concerning apportionment of appointments in the Government departments in the District of Columbia among the several States and Territories according to population, but may be required to furnish evidence of residence and domicile.

SEC. 7. The names of preference eligibles shall be entered on the appropriate registers or lists of eligibles in accordance with their respective augmented ratings, and the name of a preference eligible shall be entered ahead of all others having the same rating: *Provided*, That, except for positions in the professional and scientific services for which the entrance salary is over \$3,000 per annum, the name of all qualified preference eligibles, entitled to ten points in addition to their earned ratings shall be placed at the top of the appropriate civil-service register or employment list, in accordance with their respective augmented ratings.

SEC. 8. When, in accordance with civil-service laws and rules a nominating or appointing officer shall request certification of eligibles for appointment purposes, the Civil Service Commission shall certify, from the top of the appropriate register of eligibles, a number of names sufficient to permit the nominating or appointing officer to consider at least three names in connection with each vacancy. The nominating or appointing officer shall make selection for each vacancy



from not more than the highest three names available for appointment on such certification, unless objection shall be made, and sustained by the Commission, to one or more of the persons certified, for any proper and adequate reason, as may be prescribed in the rules promulgated by the Civil Service Commission: *Provided*, That an appointing officer who passes over a veteran eligible and selects a nonveteran shall file with the Civil Service Commission his reasons in writing for so doing, which shall become a part of the record of such veteran eligible, and shall be made available upon request to the veteran or his designated representative; the Civil Service Commission is directed to determine the sufficiency of such submitted reasons and, if found insufficient, shall require such appointing officer to submit more detailed information in support thereof; the findings of the Civil Service Commission as to the sufficiency or insufficiency of such reasons shall be transmitted to and considered by such appointing officer, and a copy thereof shall be sent to the veteran eligible or to his designated representative upon request therefor: *Provided, further*, That if, upon certification, reasons deemed sufficient by the Civil Service Commission for passing over his name shall three times have been given by an appointing officer, certification of his name for appointment may thereafter be discontinued, prior notice of which shall be sent to the veteran eligible. Whenever in the Postal Service two or more substitutes are appointed on the same day, they shall be promoted to the regular force in the order in which their names appeared on the civil-service register from which they were originally appointed, whenever there are substitutes of the required sex who are eligible and will accept, unless such vacancies are filled by transfer or reinstatement.

SEC. 9. In the unclassified Federal, and District of Columbia, civil service, and in all other positions and employment hereinbefore referred to in (c) of section 2 hereof, the nominating or appointing officer or employing official shall make selection from the qualified applicants in accordance with the provisions of this Act.

SEC. 10. The Civil Service Commission is authorized and directed to hold an examination, during the next succeeding quarterly period, for any position to which any appointment has been made within the preceding three years, for any person included under section 2 (1), (2), and (3) of this Act upon application for examination for any such position.

SEC. 11. The Civil Service Commission is hereby authorized to promulgate appropriate rules and regulations for the administration and enforcement of the provisions of this Act.

SEC. 12. In any reduction in personnel in any civilian service of any Federal agency, competing employees shall be released in accordance with Civil Service Commission regulations which shall give due effect to tenure of employment, military preference, length of service, and efficiency ratings: *Provided*, That the length of time spent in active service in the armed forces of the United States of each such employee shall be credited in computing length of total service: *Provided further*, That preference employees whose efficiency ratings are "good" or better shall be retained in preference to all other competing employees and that preference employees whose efficiency ratings are below "good" shall be retained in preference

to competing nonpreference employees who have equal or lower efficiency ratings: *And provided further*, That when any or all of the functions of any agency are transferred to, or when any agency is replaced by, some other agency, or agencies, all preference employees in the function or functions transferred or in the agency which is replaced by some other agency shall first be transferred to the replacing agency, or agencies, for employment in positions for which they are qualified, before such agency, or agencies, shall appoint additional employees from any other source for such positions.

SEC. 13. Any preference eligible who has resigned or who has been dismissed or furloughed may, at the request of any appointing officer, be certified for, and appointed to, any position for which he may be eligible in the civil service, Federal, or District of Columbia, or in any establishment, agency, bureau, administration, project, or department, temporary or permanent.

SEC. 14. No permanent or indefinite preference eligible, who has completed a probationary or trial period employed in the civil service, or in any establishment, agency, bureau, administration, project, or department, hereinbefore referred to shall be discharged, suspended for more than thirty days, furloughed without pay, reduced in rank or compensation, or debarred for future appointment except for such cause as will promote the efficiency of the service and for reasons given in writing, and the person whose discharge, suspension for more than thirty days, furlough without pay, or reduction in rank or compensation is sought shall have at least thirty days' advance written notice (except where there is reasonable cause to believe the employee to be guilty of a crime for which a sentence of imprisonment can be imposed), stating any and all reasons, specifically and in detail, for any such proposed action; such preference eligible shall be allowed a reasonable time for answering the same personally and in writing, and for furnishing affidavits in support of such answer, and shall have the right to appeal to the Civil Service Commission from an adverse decision of the administrative officer so acting, such appeal to be made in writing within a reasonable length of time after the date of receipt of notice of such adverse decision: *Provided*, That such preference eligible shall have the right to make a personal appearance, or an appearance through a designated representative, in accordance with such reasonable rules and regulations as may be issued by the Civil Service Commission; after investigation and consideration of the evidence submitted, the Civil Service Commission shall submit its findings and recommendations to the proper administrative officer and shall send copies of same to the appellant or to his designated representative: *Provided further*, That the Civil Service Commission may declare any such preference eligible who may have been dismissed or furloughed without pay to be eligible for the provisions of section 15 hereof.

SEC. 15. Any preference eligible, who has been furloughed, or separated without delinquency or misconduct, upon request, shall have his name placed on all appropriate civil-service registers and/or on all employment lists, for every position for which his qualifications have been established, as maintained by the Civil Service Commission, or as shall be maintained by any agency or project of the Federal Government, or of the District of Columbia, in the order as

provided in section 7 hereof, and shall then be eligible for recertification and reappointment in the order and according to the procedure as provided for in sections 7 and 8 hereof. No appointment shall be made from an examination register of eligibles, except of ten-point preference eligibles, when there are three or more names of preference eligibles on any appropriate reemployment list for the position to be filled.

SEC. 16. Any preference eligible who has resigned shall, upon request to the Civil Service Commission, have his name again placed on all proper civil-service registers for which he may have been qualified, in the order as provided for in section 7 hereof, and shall then be eligible for recertification and reappointment in the order, and according to the procedure, as provided for in sections 7 and 8 hereof.

SEC. 17. The term "Civil Service Commission" or "Commission" as used in this Act shall mean the present United States Civil Service Commission or any body or person who may by law succeed to its powers and duties, or any of them, or which or who may be designated by law to perform any specific duty and possess any specific power concerning matters covered by this Act.

SEC. 18. All Acts and parts of Acts inconsistent with the provisions hereof are hereby modified to conform herewith, and this Act shall not be construed to take away from any preference eligible any rights heretofore granted to, or possessed by, him under any existing law. Executive order, civil-service rule or regulation, of any department of the Government or officer thereof.

SEC. 19. It shall be the authority and duty of the Civil Service Commission in all cases under the classified civil service to make and enforce appropriate rules and regulations to carry into full effect the provisions, intent, and purpose of this Act and such Executive orders as may be issued pursuant thereto and in furtherance thereof.

SEC. 20. Nothing contained in this Act is intended to apply to any position in or under the legislative or judicial branch of the Government or to any position or appointment which by the Congress is required to be confirmed by, or made with, the advice and consent of the United States Senate: *Provided, however*, That the provisions of this Act shall apply to appointments under Public Law Numbered 720, Seventy-fifth Congress, third session, approved June 25, 1938.

SEC. 21. If any part of this Act shall be found to be unconstitutional, the rest of it shall be considered as in full force and effect.

Approved June 27, 1944.









78TH CONGRESS}  
2d Session }

SENATE

{DOCUMENT  
No. 235

## POST-WAR EMPLOYMENT AND VETERANS' ASSISTANCE PROGRAM

"A UNIFIED PLAN OF PROCEDURE FOR THE TRANSITION OF VIRGINIA FROM HER WAR ACTIVITIES TO A PEACE-TIME BASIS THROUGH THE ORDERLY AND PLANNED REEMPLOYMENT OF HER VETERANS AS THEY ARE RELEASED FROM THE ARMED FORCES AND HER WAR WORKERS AS THEY ARE RELEASED FROM WAR PRODUCTION."

COLGATE W. DARDEN, JR.  
GOVERNOR

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SUBMITTED BY  
HON. WALTER F. GEORGE  
CHAIRMAN, SPECIAL COMMITTEE ON POST-WAR  
ECONOMIC POLICY AND PLANNING



UNITED STATES  
GOVERNMENT PRINTING OFFICE  
WASHINGTON : 1944

STATE SELECTIVE SERVICE SYSTEM  
VIRGINIA STATE PLANNING BOARD  
TOGETHER WITH  
A SURVEY BY THE LYNCHBURG CHAMBER OF  
COMMERCE OF THE POST-WAR DEVELOP-  
MENT OF THAT CITY

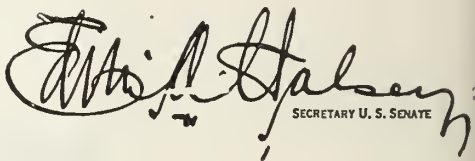
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SUBMITTED BY MR. GEORGE

IN THE SENATE OF THE UNITED STATES,  
*September 12 (legislative day, September 1), 1944.*

*Ordered*, That the Virginia veterans' assistance and post-war employment program, together with a survey by the Lynchburg (Va.) Chamber of Commerce of the post-war development of that city, be printed as a Senate document.

Attest:

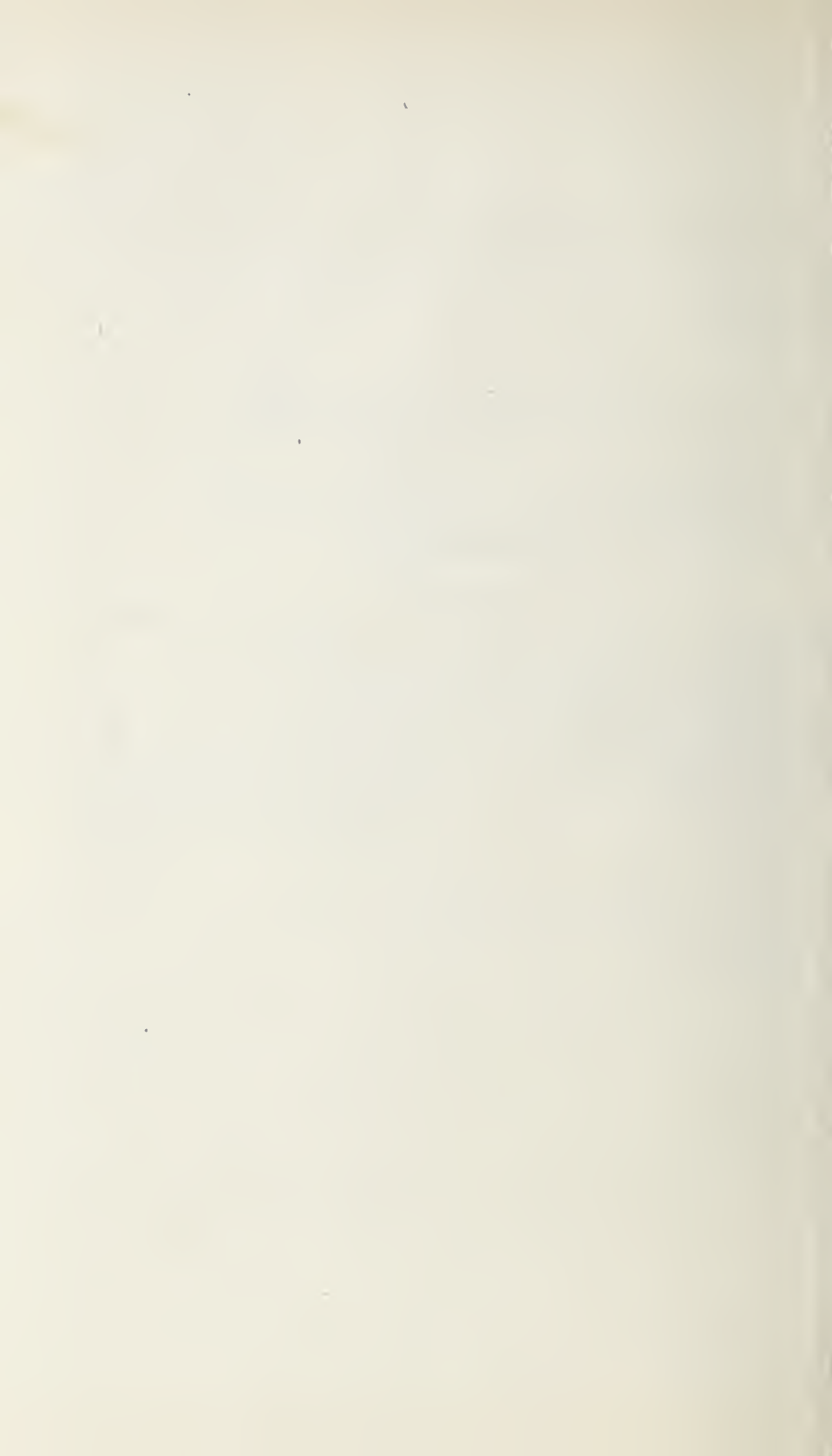
  
SECRETARY U. S. SENATE



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## POST-WAR EMPLOYMENT AND VETERANS' ASSISTANCE PROGRAM

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### OBJECTIVE

The purpose of the Virginia veterans' assistance and post-war employment program is to coordinate the efforts and operations of all Federal, State, and local agencies and volunteer organizations into a unified plan of procedure for the transition of Virginia from her war activities to a peacetime basis through the orderly and planned reemployment of her veterans as they return from the armed forces and her war workers as they are released due to cessation of war production.

The plan provides for the merging on State and local levels of the three major governmental programs, which are designed to aid in this transition, with the organized and planned volunteer efforts of the citizens of the States and separate localities, upon whom—in the final analysis—is placed the responsibility of providing the necessary sources of employment through the development and conversion of new and existing activities and public and private improvement.

The three programs are:

(1) The veterans' assistance program of the Selective Service System, which is organized by the Director of Selective Service under the requirement of the Selective Training and Service Act of 1940, as amended, and places upon the Selective Service System the responsibility to establish adequate facilities to render aid in the reemployment of returning veterans.

(2) The program of the Retraining and Reemployment Administration of the Office of War Mobilization. This Administration was established by Executive order of the President on February 24, 1944, (a) to have general supervision and direction of the activities of all Government agencies relating to the retraining and reemployment of persons discharged from the armed services or other war work; (b) to develop programs for the orderly absorption into other employment of persons discharged or released from the armed services or other war work; and (c) to develop programs for the adequate care of persons discharged or released from the armed services.

Under the authority of the Administration for Retraining and Reemployment there will be established, in each State and community, State and local veterans' service committees, representing the Selective Service System, the United States Employment Service of the War Manpower Commission, and the Veterans' Administration insofar as any one or all of these agencies have facilities in that community.

These committees will act as the representatives of the Federal Government in connection with information to veterans and serve as the point of contact for the Retraining and Reemployment Administration with the Federal programs in the community.

(3) The Virginia post-war employment program of the Virginia State Planning Board is directed by the Governor of Virginia and is designed to meet—through an organized and orderly volunteer citizens' program of State and community planning—the State's, and each separate locality's, problem of providing sufficient number of suitable jobs for the reemployment of returning veterans as they are released from the armed forces and war workers as they become released due to cessation or curtailment of war production.

The Selective Service System is charged by law with the responsibility for the organization and operation of the veterans' assistance program of the Selective Service System on national, State and local levels.

The Selective Service System, the Veterans' Administration, and the United States Employment Service of the War Manpower Commission, insofar as any one or all of these agencies have facilities in the community, are jointly charged with the organization and operation of the program of the Retraining and Reemployment Administration on State and local levels.

The Virginia Post-war Employment Committee, as appointed and directed by the Governor of Virginia through the offices of the State planning board, is responsible for the operation of the Virginia post-war employment program on the State level.

The duly constituted local governmental authority in each county and incorporated city of the State has the responsibility for the appointment and direction of the citizens' post-war employment committee in its respective political subdivision, and the committee, so appointed, is charged with the execution of the post-war employment program on the local level.

The coordination of these Federal and State programs with the efforts and operations of all other organized agencies and volunteer organizations is provided on the State level through a coordinating committee, to be known as the State coordinating and veterans' service committee and composed of representatives from the State planning board, the State post-war employment committee and the members of the State veterans' service committee, as designated under the Retraining and Reemployment Administration, and such other members as may be designated by the Governor of Virginia.

Similar coordinating committees are provided on the local level, to be known as local coordinating and veterans' service committees and composed of representatives from county (or city) planning commissions, citizens' post-war employment committees, and the members of the local veterans' service committee, and such other members as may be designated by the appointing authority of the local government.

These committees are charged with coordinating the activities of all agencies on their respective levels.



## VETERANS' ASSISTANCE PROGRAM

## PART I. GENERAL

1. *Responsibility of the Director of Selective Service.*—The Director of Selective Service is required by the Selective Training and Service Act of 1940, as amended, to establish a Personnel Division with adequate facilities to render aid (a) in the replacement in their former positions of, or (b) securing positions for, returning veterans.

2. *Veterans eligible for assistance.*—Veterans entitled to such aid include all persons, male and female, who, subsequent to May 1, 1940, entered upon active service in the Army, Navy, Marine Corps, or Coast Guard, whether by induction, enlistment, commission, or otherwise, and who have satisfactorily completed any period of active duty or any period of training and service under the Selective Training and Service Act of 1940, as amended. When such veteran satisfactorily completes his period of service, he is entitled to a certificate to that effect.

3. *Veterans Personnel Division.*—The Director of Selective Service, to facilitate the discharge of his foregoing responsibilities, has established a Veterans Personnel Division (formerly Reemployment Division) in National Headquarters of the Selective Service System.

4. *Responsibility of State director of Selective Service.*—The State directors of Selective Service will organize and supervise this program within their States. Such organization and supervision shall be consistent with such policies and procedures as may from time to time be prescribed by the Director of Selective Service. The State directors are authorized to establish committees or become members of such committees within their respective States as will, in their judgment, be most conducive to the successful operation of the Selective Service System's veterans' assistance program.

5. *Responsibility of local board.*—It is the responsibility of the local board to discharge the obligations of the Director of Selective Service set forth in paragraphs 1 and 2 above. All of the facilities of the local board shall be available for this purpose. In executing this responsibility, the local board shall use the reemployment committeeman attached to the local board. The local board will handle the replacement of veterans in their former positions. The local board will utilize the services of the Veterans Employment Division of the United States Employment Service, War Manpower Commission, in aiding veterans to secure new positions.

6. *Veteran to report to local board.*—Upon separation from service, a veteran will be advised to report to a local board and of his right to call upon a local board and its reemployment committeeman for information and assistance.

7. *Assistance to veterans.*—When the separation of a veteran from service is reported to the local board or a veteran applies to the local board for aid, it shall comply with the applicable regulations and instructions concerning the registration or classification of such persons. After taking such action, the local board and the reemployment committeeman shall render such aid to the veteran as it is necessary to protect his right of reemployment and other benefits.

## PART II. REINSTATEMENT IN FORMER POSITIONS

1. *Conditions for reinstatement in former position.*—(a) A veteran is entitled by law to reinstatement in his former position or to a position of like seniority, status, and pay:

(1) If such a position was in the employ of a private employer, the United States Government, its Territories or possessions, or the District of Columbia;

(2) If such position was not a temporary position;

(3) If he left such position subsequent to May 1, 1940, in order to enter upon active military or naval service in the land or naval forces of the United States;

(4) If he satisfactorily completed his period of training and service and received a certificate to that effect;

(5) If he is still qualified to perform the duties of such position;

(6) If he makes application for reemployment within 40 days after he is relieved from service; and

(7) If such position is in the employ of a private employer, the employer's circumstances have not so changed as to make it impossible or unreasonable to reinstate the veteran to such position or to a position of like seniority, status, and pay.

(b) If such position was in the employ of any State or political subdivision thereof, it is "the sense of Congress that such person should be restored to such position or to a position of like seniority, status, and pay."

2. *Rights after reemployment.*—A veteran who is restored to a position in the employ of the Federal Government or a private employer, as provided in paragraph 1 above, is entitled by law to the following additional benefits:

(a) He shall be considered as having been on furlough or leave of absence during his period of service;

(b) He shall be restored without loss of seniority;

(c) He shall be entitled to participate in insurance or other benefits offered by the employer pursuant to established rules and practices relating to employees on furlough or leave of absence in effect with the employer at the time such person entered military or naval service; and

(d) He shall not be discharged from such position without cause within 1 year after such restoration.

3. *Adjustment of controversies with employer.*—(a) It is obvious that misunderstandings and disputes will sometimes arise between the returned veteran and his former employer in respect to reinstatement. The conditions of both will necessarily change, and in some instance in many respects. Whether such changes are sufficient to deprive a veteran of the rights which Congress meant to confer must, of necessity, depend upon the facts in each case. It is anticipated that the employer will meet the problem in a spirit of fair play and in appreciation of the sacrifices made by the veteran and that he will not take advantage of any technicality in order to evade his responsibility to the veteran. If, however, a dispute does arise between the employer and the veteran, a local board member or the reemployment committeeman should call personally to see the employer and attempt by every means possible to reach an amicable agreement, mutually

satisfactory to the veteran and to the employer, but without sacrificing any of the veteran's rights.

(b) In trying to reach an amicable adjustment, the local board or its reemployment committeeman may call for assistance upon representatives of veterans' organizations or upon labor, civic, communal, or post-war planning groups, veterans' advisory committees, clearing-house committees, or any other means which he or the State director may deem advisable.

(c) It is highly desirable that the local board do everything it can to obtain the reinstatement of the veteran by amicable means. In no case is the local board to send the case to the United States attorney or institute any legal action on behalf of the veteran. If the local board is unable to reach an amicable adjustment of the veteran's reemployment rights, the local board shall send a complete report to its own State director who will keep the local board advised of all further action taken in the case. Where legal proceedings are indicated, the State director will refer the case, together with his recommendations, to the Director of Selective Service for submission to the Department of Justice.

4. *Right to court action and assistance of United States attorney.*—If any private employer fails or refuses to grant a veteran the rights set forth in paragraphs 1 and 2 above, he may obtain relief in an appropriate case by filing suit in the United States district court for the district in which the private employer maintains a place of business. The veteran is privileged to employ his own attorney to represent him in such action. The United States attorney or comparable official, if reasonably satisfied that the veteran is entitled to such rights, will on request appear and act as the veteran's attorney in the amicable adjustment of his claim or in the filing of such suit without cost to the veteran.

### PART III. PLACEMENT IN NEW POSITIONS

1. *Use of other agencies.*—(a) In carrying out its responsibilities to aid veterans to secure new positions, the Selective Service System will utilize the existing facilities of several departments and agencies of the Federal and State Governments. Among these agencies is the Veterans' Employment Division of the United States Employment Service, War Manpower Commission. The United States Employment Service has 1,500 offices distributed in every section of the country. In each State, a veterans' employment representative has been appointed to supervise the employment interests of veterans at the local offices of this agency in his State. A local veterans' employment representative has been designated in each employment office to perform at the local level duties similar to those performed by the State veterans' employment representative at the State level. The United States Employment Service maintains contacts with employers throughout the country and assists veterans to secure jobs. The State veterans' employment representative assures that there are adequate and efficient services to take care of veterans in all public employment offices in his State; he plans, directs, and coordinates the activities of local veterans' employment representatives charged with the responsibility of supervising the veterans' employment service program in their respective local offices.



(b) The utilization of these various agencies is not a delegation of the responsibilities of the Director of Selective Service and of the Selective Service System for placing veterans in new positions but is the acceptance of presently available facilities for carrying out the duty imposed by law upon the Director of Selective Service. The State directors and the local board will maintain liaison with the Veterans' Employment Division of the United States Employment Service for the purpose of maintaining cooperative action at the local level for (1) referring veterans for placement in new positions, and (2) handling the placement of such veterans in new positions.

2. *Veterans entitled to aid in securing new positions.*—Experience has shown that military service develops the mind and body of the veteran. Many have become aware of talents and ambitions which had been hidden and unknown to them. They may not be satisfied to return to their former work. They have received specialized training. They have developed new talents. Yesterday's clerk is today's expert mechanic. The veteran who worked indoors most of his life now wants to work on the outside. New ambitions have taken hold, and they are to be encouraged wherever possible. They are entitled to be given a chance to follow their inclinations. It is the job of the Selective Service System, through its local boards and reemployment committeemen, and it is the Nation's job to give them every consideration.

3. *Reference to Veterans' Employment Division, United States Employment Service.*—(a) When a veteran is not eligible for or does not want to be reinstated in his former position, but wants a position in private industry, he should be referred to the Veterans' Employment Division, United States Employment Service, for assistance in securing a new position. If the veteran is to be so referred, he should not be sent but every effort should be made to take him in person. If it is not possible to take the veteran personally to the office of the United States Employment Service, he should not be referred until: (1) He is told exactly where he is to go; (2) a telephone call is made or letter is written for a definite appointment and such appointment is made; (3) the veteran is provided with a letter addressed to the person with whom he has the appointment.

(b) The local board or the reemployment committeeman shall follow up the matter and see that the appointment is kept. The responsibility of the local board does not end with such reference, and the local board should make every effort to aid in the placement of the veteran in a new position.

4. *Employment with the Federal Government.*—If the veteran prefers a job with the Federal Government, he should be referred to the nearest United States Civil Service office or any first- or second-class post office where he can obtain information. A veteran is entitled to 5 points' preference in an examination for appointment and a veteran with service-connected disability is entitled to 10 points.

5. *Agricultural advisory groups.*—Whenever a returning veteran is interested in establishing himself in an agricultural activity, he should be referred to the county agricultural agent. The War Food Administration, through the cooperative Agricultural Extension Service, has prepared advisory groups in each agricultural county for the purpose of rendering advisory assistance to all returning veterans interested in becoming established in agriculture and desiring such assistance.



Such assistance includes advice as to types of farming, amount of capital required, sources of credits, size of units necessary to maintain satisfactory standards of living, sound operating policies, and similar matters.

6. *Railroad Retirement Board.*—The United States Railroad Retirement Board Employment Service acts for the railroad industry in attempting to fill its manpower requirements in the same manner as the United States Employment Service fills the manpower requirements of other industries.

Local boards and reemployment committeemen should advise all veterans interested in railroad employment to apply to the nearest office of the United States Railroad Retirement Board. Full assistance shall be given to all veterans making such application.

A list of full-time field offices of the United States Railroad Retirement Board may be secured by local boards from the State directors. Part-time offices are maintained in places other than those listed with State directors. Information as to the nearest unlisted office may be secured by writing to the nearest listed office.

#### PART IV. ASSISTANCE TO VETERANS IN CONNECTION WITH OTHER BENEFITS

1. *Veterans needing medical attention.*—Many veterans upon their return, for various reasons, will be unable to fill their old jobs or any other job. They may be battle casualties; they may have service-connected or non-service-connected disabilities; they may require rehabilitation, hospitalization, medical appliances, or many other forms of physical care; or they may have financial problems involving pensions and allowances. Under such circumstances the veteran is entitled to the assistance of the Veterans' Administration. If it is not possible or feasible, because of distance, to take the veteran to an office of the Veterans' Administration in person, arrangements should be made to place him into direct contact with the service offices of a veterans' organization or with the American Red Cross.

2. *Adjudication of wartime pension claims.*—(a) The Veterans' Administration adjudicates wartime pension claims of all veterans who served after December 6, 1941, and who were discharged under conditions other than dishonorable. It provides, in service-connected cases, hospitalization, if necessary, domiciliary care, artificial appliances, and training in the use thereof. The requirements for eligibility to veteran pensions for veterans of World War II are as follows: (1) Active service after December 6, 1941; (2) release from active service under conditions other than dishonorable; (3) service-incurred pensionable disability received during war.

(b) In order to receive a pension, a veteran must file a claim with the Veterans' Administration and secure a rating. The American Red Cross, American Legion, Disabled American Veterans, Veterans of Foreign Wars, and certain other organizations have been authorized by the Veterans' Administration to process the necessary papers involved in the above claims, if this has not already been done at discharging points. The Veterans' Administration also provides domiciliary care and hospitalization if beds are available in non-service-connected cases. Application for any of the foregoing may be made at any time.

3. *Vocational rehabilitation.*—(a) The Servicemen's Readjustment Act of 1944 provides for vocational rehabilitation of veterans under part VII of Veterans Regulation No. 1 (a). The following are the eligibility requirements for such vocational rehabilitation: (1) Active service on or after September 16, 1940; (2) release from active service under conditions other than dishonorable; (3) a service-incurred pensionable disability amounting to at least 10 percent.

(b) The vocational rehabilitation official of the Federal Security Agency, in connection with the State board for vocational education of each State, supplies vocational training in non-service-connected cases. This agency will assist in the training and education of those men who must learn a new trade or occupation before returning to a civilian occupation and who do not come under the jurisdiction of the Veterans' Administration because they have no service-connected disability.

4. *Education and training.*—The Servicemen's Readjustment Act of 1944 amended part VIII of the Veterans Regulation No. 1 (a) to provide for the education and training of veterans of World War II. During the period of the educational training, the veteran is paid a subsistence allowance of \$50 per month or, if he has one or more dependents, of \$75 per month. The Veterans' Administration will pay the customary cost of tuition, books, supplies and equipment, and laboratory, library, health, infirmary, and other similar fees as are customary, up to but not in excess of \$500 for an ordinary school year. Eligibility requirements for World War II veterans are as follows:

(a) Ninety days' active service, or prior release from active service because of service-incurred disability.

(b) Active service on or after September 16, 1940.

(c) Release from active service under conditions other than dishonorable.

(d) Education or training must have been impeded, delayed, interrupted, or interfered with by reason of entrance into service. In the case of any person who was not over 25 years of age at the time he entered service, his education or training shall be deemed to have been impeded, delayed, interrupted, or interfered with.

5. *W. D., A. G. O. Form No. 20 (soldier's qualification card).*—In many instances, the State director will request the local board to forward to State headquarters the W. D., A. G. O. Form No. 20 for transmission to one of the various facilities of the Veterans' Administration. Upon receipt of such a request, the local board will promptly transmit such form to State headquarters.

6. *Assistance with immediate personal problems.*—Should the veteran be in need of aid in connection with his immediate personal or financial problems, he should be referred to the American Red Cross which will assist veterans and their families in solving such problems.

7. *Assistance in educational and other problems.*—(a) In certain cases it may be advisable to contact the United States Armed Forces Institute, Madison, Wis., which will provide records of courses taken by military personnel while in service and will give veterans special examinations to serve as a basis of credit by civilian schools. In addition to the above services, help can generally be obtained from local veteran and civic organizations and clearinghouse committees or veterans' advisory committees.

(b) In addition to the above services, help can generally be obtained from local veteran and civic organizations and social and welfare agencies. Reemployment committeemen should make it a point to acquaint themselves with the various organizations in their counties and local communities and the services they are prepared to render. These services should be coordinated in each locality to prevent overlapping through the coordinating and veterans' service committee to be organized in each county and city in the State.

8. *Veterans' assistance channels—veterans' aid agencies.*—(a) In the handling of assistance to returned veterans, the reemployment committeeman will find that the veteran should be routed into one of the following channels, according to his needs: (1) Replacement in his former position; (2) securing new position; (3) rendering aid to the veteran in securing legal benefits and rehabilitation; (4) aiding the veteran in securing emergency relief, advice, and assistance.

(b) The designated veterans' aid agencies furnishing assistance in these four respective channels are as follows:

(1) Old jobs: Former employer.

(2) New jobs: Veterans' Employment Service of the United States Employment Service—through local area offices; United States Railroad Retirement Board—through nearest office; Agricultural Extension Service—through county agent or Farm Security Administration supervisor; Civil Service Commission—through local post office; various local committees formed for this purpose.

(3) Claims, pensions, vocational rehabilitation, education, hospitalization, loans, unemployment compensation and other rights and benefits under the Servicemen's Readjustment Act of 1944: United States Veterans' Administration—through area field agents; rehabilitation service of State department of education.

(4) Emergency relief, advice, and assistance: Red Cross—through local chapter; local veterans' organizations, American Legion, Veterans of Foreign Wars, etc.—through service officer; Army relief and navy relief—through offices at Army posts and Navy stations; Travelers' Aid—through local organization in all cities; local service and welfare agencies; United States Armed Forces Institute, Des Moines, Iowa.

## RETRAINING AND REEMPLOYMENT ADMINISTRATION

### VETERANS' SERVICE COMMITTEES—VETERANS' INFORMATION CENTERS

1. *Retraining and Reemployment Administration.*—(a) The President by Executive Order 9427, issued February 24, 1944, placed additional responsibilities on the Selective Service System in connection with the Retraining and Reemployment Administration as hereinafter indicated. These activities are in addition to and not in place of the System's activities under the Selective Training and Service Act of 1940, as amended.

(b) By this Executive order, the President established in the Office of War Mobilization a Retraining and Reemployment Administration, of which Brig. Gen. Frank T. Hines was appointed Administrator. The Executive order also established a Retraining and Reemployment Policy Board composed of a representative of the Department of Labor, the Federal Security Agency, the War Manpower Commission, the Selective Service System, the Veterans' Administration, the Civil



Service Commission, the War Department, the Navy Department, and the War Production Board.

2. *State veterans' service committee.*—(a) By Order No. 1 of May 17, 1944, the Retraining and Reemployment Administration directed the establishment in each State of a State veterans' service committee representing the Selective Service System, the War Manpower Commission, and the Veterans' Administration. This committee will act as a representative of the Federal Government in the State in connection with furnishing information to veterans. Each State veterans' service committee will select its own chairman, may add to its membership, and will represent the Federal Government on State committees of the same nature as appropriate situations arise.

(b) The State veterans' service committee will have the following responsibilities:

(1) Each member of the committee will designate a representative of his agency as a member of the local veterans' service committee in each community of the State in which the agency maintains facilities;

(2) Render such assistance as may be required by the local veterans' service committee in establishing veterans' information centers in the communities in which it has been determined that a need for such centers exists.

(3) Act as a central point for mobilization of the efforts of volunteer and other groups in the State to aid veterans by furnishing information and engaging in other activities.

(4) Constitute the contact point in the State for the administration of the Retraining and Reemployment Administration in connection with its program.

3. *Local veterans' service committee.*—(a) Order No. 1 of May 17, 1944, of the Retraining and Reemployment Administration also provides for the establishment in each community of a local veterans' service committee composed of a representative of the Selective Service System, the United States Employment Service, and the Veterans' Administration, insofar as these agencies have representatives available in the various local communities. The State director of Selective Service will appoint the Selective Service representative on each local veterans' service committee. Each committee will select its own chairman. The local veterans' service committee will carry out its responsibilities in accordance with instructions received from the State veterans' service committee and the Retraining and Reemployment Administration.

(b) The local veterans' service committee will have the following responsibilities:

(1) Determine the need for a single information service center in addition to the information facilities existing in the individual agencies in the community;

(2) Act as a central point in the local community for mobilization of the efforts of volunteer and other groups to aid veterans by furnishing information;

(3) Be the contact point in the local community for the administration of the Retraining and Reemployment Administration in connection with the program to provide adequate information for veterans.



4. *Veterans' information centers.*—(a) Veterans' information centers will be established and operated by the local veterans' service committee whenever such committee determines that a single information service in addition to those already existing in the community is necessary and that there is an appropriate location and necessary facilities in the community for its establishment. The function of a veterans' information center will be primarily one of furnishing advice and information to veterans. Local cooperation is important since local organizations may render service outside of the programs of the Federal Government and may effectively provide volunteer services and facilities for the center. There is no single pattern for the creation and operation of a center which will satisfy communities of all types and sizes. The organization should be adapted to the volume and nature of applications anticipated and to the facilities of the community. Changes in organization of the center should be effected by the committee as experience indicates.

(b) No Federal funds have been appropriated or requested for the establishment and operation of veterans' information centers. No person is authorized to make any financial commitment or incur any financial obligations on behalf of the United States in connection with any of the activities provided for in this part.

In order to coordinate the functions of the Federal agencies with already existing State and local planning and service agencies and with volunteer groups within the State and separate localities, the veterans' service committee, appointed under the authority of the Retraining and Reemployment Administration of the Office of War Mobilization, will serve individually as members of the coordinating and veterans' service committees on both State and local levels and will collectively represent the Federal Government on this committee as appropriate situations arise.

#### INFORMATION SERVICE CENTERS FOR VETERANS AND WAR WORKERS

1. *Information service centers of the armed services.*—The Army, Navy, Marine Corps, and Coast Guard will undertake to supply personnel being separated from the Service with definite and uniform information relative to benefits authorized by the Federal Government. Such information will include steps to be taken by the individual in obtaining definite information in his or her own community for the purpose of obtaining employment, reemployment, and other aid. At separation centers or other discharge points the services will have suitable personnel whose definite duty it will be to place in the hands of each person separating from the service a concise and uniform pamphlet. This pamphlet will give a brief and simple outline of the benefits granted to veterans and will be a guide as to the steps that should be taken to obtain advice and assistance following separation.

2. *Information service centers of Federal agencies.*—(a) It shall be the responsibility of the United States Employment Service of the War Manpower Commission to maintain at each of its existing establishments an information service center for veterans and war workers which is equipped to supply information required about services and benefits available beyond those supplied by the United States Employment Service.

(b) It shall be the responsibility of the Selective Service System to maintain an information service center in each of its existing facilities (local board offices) for the purpose of supplying the veteran with information concerning services and benefits available beyond those supplied by the Selective Service System.

(c) It shall be the responsibility of the Veterans' Administration to maintain information service centers in each of its existing facilities for the purpose of supplying veterans with information concerning services and benefits available beyond those supplied by the Veterans' Administration.

(d) It shall be the responsibility of all other Federal agencies rendering service or supplying benefits to the veteran to inform these information centers of details required for these centers to advise veterans.

NOTE.—The Administrator of Retraining and Reemployment with the assistance of the Board will provide a uniform pattern for these information centers indicating what they should be set up to accomplish and the information which they are to supply.

### POST-WAR EMPLOYMENT PROGRAM

1. *General.*—The objective of the Virginia State Planning Board is to provide a plan for the transition of Virginia from her war activities to a peacetime basis and to render assistance to all communities of the State in their local planning for post-war employment.

In meeting the challenge of post-war employment, Virginia faces her greatest task of readjustment, and every citizen in the State has responsibilities thereunder. Leaders in business, industry, commerce, labor, and agriculture will be called upon to contribute their time and efforts to this enormous undertaking. Federal and State and local agencies will participate by carrying out the governmental programs designed to aid in this transition. Veterans' organizations and civic clubs will lend their support, and every other available facility in the State must be urged to play a part in this great cause.

It is the foremost desire of every citizen in the State that we effect plans for a comprehensive and workable program under which service men and women, returning to their homes after valiant service in the armed forces, may be assisted in resuming their places in the community life of Virginia. Nothing that we can do toward helping them to become reestablished will be too great an effort. The veterans' assistance program of the Selective Service System is designed to provide this service, including protection of other legal rights and benefits as provided for the veteran. The Veterans' Administration, the United States Employment Service, and other Federal, State, and local agencies and committees will aid in the administration and operation of this program.

Consideration must likewise be given to provide measures for the reemployment of our citizens who have served as war workers in the expanded program of war production in the State and for many of whom employment will cease with the curtailment and cessation of war production. The normal employment facilities, both public and private, aided by the local offices of the United States Employment Service, is the channel through which our war workers must secure reemployment.

The success of the entire effort will depend upon the ability of each community in the State to provide sufficient sources of employment for all citizens of the community as they are released from the armed forces and from war production. Unless sufficient numbers of jobs are provided, unemployment will result. Careful survey and over-all employment planning in each community is the only means by which unemployment may be averted or lessened.

2. *Virginia post-war employment program.*—The Virginia post-war employment program is directed by the Governor of Virginia and is designed to meet—through an organized and orderly volunteer citizens' program of State and community planning—the State's, and each separate locality's, problem of providing a sufficient number of suitable jobs for the employment of veterans as they are released from the armed forces and for the reemployment of war workers as they become released from war production. To achieve this goal, it must first be determined exactly what employment problems will be presented by the cessation of hostilities, and secondly, the provisions necessary to be taken to meet these problems. This is to be accomplished by making accurate and detailed survey of each activity in each community to determine the community's post-war employment needs; and, by over-all employment planning in the community, to develop and encourage sources of employment that will provide the jobs necessary to meet these needs.

The basic policy upon which this plan must operate is that the responsibility for the solution of the post-war employment problem be placed in each local community and be solved or accomplished through the activities of community leaders and groups through stimulation of new pay rolls and old pay rolls by citizens, individually, as well as collectively. The program will be operated on both State and local levels by volunteer citizen committees organized for this purpose and charged with the responsibility for its success on the respective levels. It is Virginia's volunteer citizens' program to care for her own people.

3. *Virginia Post-war Employment Committee.*—The Virginia Post-war Employment Committee will be organized on the State level and charged with the operation of the Virginia post-war employment program. This committee will be appointed by the Governor of Virginia and will be composed of leading representatives of industry, agriculture, labor, finance, government, professions, and other activities and civic and veterans' organizations. It will represent, as far as practicable, all sections and the principal activities in the State.

The function of this committee will be to act as a policy, planning and fact-finding body with general supervision and direction in the development and operation of this program throughout the State. It will be the responsibility of this committee:

- (a) To develop and operate this program;
- (b) To direct a survey to determine the post-war employment needs of the State as a whole and of each political subdivision (county and incorporated city) thereof; and
- (c) To develop and encourage over-all employment-planning programs in each political subdivision of the State that will provide for the orderly and planned absorption into employment of all veterans as they return to their communities and homes and war workers as they become released from war production.



While it is the responsibility of each community of the State to meet the post-war employment problem of the community, it is the function of the Virginia Post-war Employment Committee to formulate general policies and programs on a State-wide basis to encourage and aid in the development of sources of employment in the individual communities and in the State as a whole. Such programs and policies would be in the nature of recommendations to the local citizens post-war employment committee to aid in the solution of their problem.

The answers must be found to such questions as:

- (a) How many jobs are needed to prevent unemployment?
- (b) Where can these jobs be found?
- (c) How many persons now employed in the State have come from other States, attracted by war jobs, and what proportion intend to remain in the State after victory?
- (d) Whether people not normally engaged in industry—such as housewives, students, and elderly people—intend to continue working?
- (e) What are the future markets for various articles produced in the State?
- (f) How war production can be changed over to peacetime basis and new products that will keep our industries going?

In the development of programs and policies to provide this assistance, special panels should be appointed to represent each of the principal types of activities in the State, and directed to develop State-wide policies and recommendations for the reemployment of veterans who were formerly engaged in their activities and professions and for the absorption into these activities of younger veterans, who are qualified therefor but who—due to the war—had not become engaged therein.

Seven special panels for general categories of activities in the State would appear to be indicated, as follows:

- (a) Industry and manufacturing;
- (b) Wholesale and retail trade;
- (c) Professional and financial services;
- (d) Transportation and communications;
- (e) Agriculture, lumber, fishing and mining;
- (f) Construction, private and public.
- (g) Governmental and educational services.

As an example of how these panels would operate: Under the professional and financial services panel a committee appointed by the State bar association would be requested to develop a program and recommend policies to aid in the reestablishment of attorneys in the State, and this program forwarded to all local bar associations or legal societies or organizations in the State as the recommendation of the State bar association for the guidance of local legal groups in their respective communities. State medical and dental societies would be requested to develop like programs for the reestablishment of physicians and dentists. The Virginia Bankers Association would be requested to provide a like program for banks and other financial institutions in the State.

In this manner each panel will make careful study of the activities in the State that fall under their designated general category and, in the development of programs and policies, will consider the special problems that face those activities and plan to meet them.



The existing facilities of the Virginia State Planning Board and other State agencies, public and private planning groups, and interested civic groups, will be utilized to the fullest extent in the development and operation of this program.

4. *Citizens post-war employment committee.*—A citizens post-war employment committee will be organized in each political subdivision of the State and will be charged with the operation of the post-war employment program in their community. The basic policy upon which this plan operates is that each community is responsible for the solution of its post-war employment problem.

The duly constituted local governmental authority in the community has the responsibility for the organization and direction of this committee. In a county or city where a local planning commission is organized, it is recommended that the services of this committee be utilized to aid in this organization. Where no planning commission is available, the services of other available agencies or persons should be utilized to accomplish prompt organization of the committee.

Each committee will elect or appoint its own chairman and may enlarge its membership as the needs therefor may require. There is no single pattern for the organization of this committee. Its organization should be adapted to the requirements and activities of the community, and changes in structure should be made as experience indicates. In some communities committees have already been set up for this general purpose and their services should be utilized and added to as needs demand. Duplication of effort should be avoided, and each community should have one unified and coordinated program operating under one committee. Every available facility in the community should be urged to aid in the community program.

In most communities of the State, the membership of this committee should include representatives of the following activities insofar as they are organized and available in the community: Local government, chamber of commerce, committee for economic development and other planning groups, trade and labor groups, veterans' organizations, farm organizations, professional groups, local defense councils, civic clubs, and other activities, men's and women's, and all other principal activities of the community.

The purpose and responsibility of the community citizens post-war employment committee is—

(a) To organize their community for transition from war to peace time basis in accordance with this program and recommendations from the State post-war employment committee;

(b) To make a survey to determine the post-war employment needs of the community;

(c) To find and develop possible sources of employment in local activities and public improvement to meet the needs of providing jobs for returning veterans and war workers; and

(d) To appoint a local veterans' employment committee to aid the reemployment committeeman of the selective-service local board under the veterans' assistance program.

This committee must secure basic facts about their community in order to develop a sufficient number of jobs, locally, to meet their post-war employment problem. Every community, every industry, every business, and every citizen is faced today with the problem of

how they will be affected by the cessation of hostilities. The only means by which the post-war employment needs of a community may be determined is by making an accurate and detailed survey of each individual activity in the community and combining the results for an over-all picture of the community.

5. *Survey.*—The first phase of the work of the citizens' post-war employment committee is to accomplish the survey to determine the post-war employment needs of the community. A special committee, or group, composed of local planning agencies, chamber of commerce, committee for economic development, public or private statisticians, as may be available in the community, should be assigned to this task, and assisted by volunteer workers from civic clubs or other organizations to aid in the necessary detail work incident thereto. Each employer in the community should be visited personally and requested to fill out the proper questionnaire.

This survey may be accomplished by using questionnaires similar to the attached Form A for industries, utilities, governmental and municipal agencies, Form B for wholesale activities, and Form C for retail activities and agriculture. These forms are general and may be changed to meet any local problem or condition.

Whatever form of questionnaire is used, the information from this survey should give a true picture of the post-war employment problem of the community, including the following:

(a) Total employment: (1) Employed at present; (2) leaving after the war; (3) present employees remaining; (4) number of veterans returning; (5) total available for post-war jobs; (6) estimated post-war requirements; (7) post-war shortage or overage.

(b) And permit of a further break-down of the above figures into the following categories: (1) Male and female; (2) white and colored workers; (3) management and office workers; (4) skilled and semi-skilled workers.

(c) And will provide information: (1) To determine whether people not normally engaged in industry—such as housewives, students, and elderly people—intend to keep their present or similar jobs after victory; (2) to determine how many persons now employed in the community have come from other communities, attracted by war jobs, and to learn what proportion of these persons intend to remain in the community after victory.

6. The second phase of the work of the citizens' post-war employment committee is to find and develop sources of employment in local activities and public improvement to provide sufficient number of suitable jobs to meet the post-war employment problem of the community as shown by the survey.

It is the responsibility of each community to solve its post-war employment problem. Governmental agencies can only aid in the over-all planning and, through their local offices, in carrying out the program of the community. The problem can only be solved through the activities of community leaders and groups and individuals by stimulation of new pay rolls and old pay rolls, collectively and individually. A special committee composed of leading members of all activities in the community should be appointed for this purpose and charged with the development and encouragement of sources of employment.

The scope of work of this job-finding committee would include:

(a) How many jobs are required to prevent unemployment and the types of employment required?

(b) Where can these jobs be found?

(c) What is the future market for various articles of local manufacture and production?

(d) Transition of war production to peacetime production?

(e) What new activities are adaptable and suitable to the community?

(f) Encouragement in organization of such activities.

(g) Development of public and private improvement programs, etc.

Answers to these questions should be gathered by the committee—working with instructed civic groups and with local government, chamber of commerce, or committee for economic development.

A special panel should be appointed from each of the principal types of activity, business and professional, in the community to develop plans for the reemployment of veterans who were employed in those activities or professions. For example: The members of the local bar association should develop a plan to aid in the reestablishment of lawyers; the local medical and dental societies should plan for the resumption of practice of doctors and dentists; the school board for teachers; the local government for former municipal employees; an agricultural panel for veterans who were engaged in agriculture; an industrial panel for workers in industry; wholesale and retail business panels for those formerly engaged in such business, etc., for each principal activity, in the community. Such panels should only be formed to the extent as needed in the community and as indicated by the principal activities of the community.

7. *Local veterans' employment committee.*—In each community of the State a local veterans' employment committee should be formed to assist the reemployment committeeman of the Selective Service local board and the Veterans' Employment Service of the United States Employment Service with the actual placement of individual veterans into suitable employment under the veterans' assistance program. This committee should be composed of representatives of local, public, and private employment facilities whose normal business is the employment of persons for industry and other activities in the community.

This committee will function under the veterans' assistance program of the Selective Service System through the reemployment committeeman of the Selective Service local board and will furnish information of local employment that is available and aid in the placement of the individual veteran in such employment.

The efforts of this committee will be coordinated by the reemployment committeeman of the Selective Service local board with the Veterans' Employment Service of the United States Employment Service through the 35 local area offices of the United States Employment Service located in Virginia.

#### COORDINATION

1. *Veterans' assistance program.*—The coordination of all agencies, governmental, civic, organized and volunteer, contributing to the veterans' assistance program of the Selective Service System is accomplished on national, State, and local levels through the Director of



Selective Service, the State director, and the selective service local board, on their respective levels.

2. *Virginia post-war employment program.*—The coordination of all agencies, governmental, civic, organized and volunteer, contributing to the Virginia post-war employment program is accomplished on State and local levels through the State post-war employment committee on the State level and through the citizens post-war employment committee on the local, or community, level.

3. *Virginia veterans' assistance and post-war employment program.*—The coordination of these Federal and State programs with all other governmental and volunteer efforts into one unified plan known as the Virginia veterans' assistance and post-war employment program is accomplished on State and local levels through coordinating committees known as State coordinating and veterans' service committee on the State level and local coordinating and veterans' service committee on the local, or community, level.

4. *Program of Retraining and Reemployment Administration.*—Under the authority of the Administration for Retraining and Reemployment there will be established, in each State and community, State and local veterans' service committees, representing the Selective Service System, the United States Employment Service of the War Manpower Commission and the Veterans' Administration insofar as any one or all of these agencies have facilities in that community. These committees will act as the representatives of the Federal Government in connection with information to veterans and serve as the point of contact for the Retraining and Reemployment Administration with the Federal programs in the community.

In order to coordinate the functions of the Federal agencies with already existing State and local planning and service agencies and with volunteer groups within the State and separate localities, the veterans' service committee, appointed under the authority of the Retraining and Reemployment Administration of the Office of War Mobilization, will serve individually as members of the coordinating and veterans' service committees on both State and local levels and will collectively represent the Federal Government on these committees as appropriate situations arise.

5. *State coordinating and veterans' service committee.*—The chairman and members of this committee will be appointed by the Governor of Virginia. The committee will be composed of representatives of the leading activities in the State and the directing heads of Federal and State agencies charged with the administration of the program and its several parts.

This committee will include the following representatives from the State post-war employment committee: (a) Chairman of the State post-war employment committee, (b) chairman of the survey committee of the State post-war employment committee, and (c) chairman of the committee for development of employment of the State post-war employment committee and the following representatives from Federal and State agencies: (a) State director of Selective Service; (b) Director



of the Virginia State Planning Board; (c) State director of the War Manpower Commission and United States Employment Service; (d) manager, Veterans' Administration facilities for Virginia; and (e) State coordinator, Office of Civilian Defense.

It is the function and responsibility of this committee to direct and foster the operation of the Virginia veterans' assistance and post-war employment program, and its several parts, within the State; and to coordinate the activities of all agencies, organizations, and volunteers contributing to this program.

This committee will serve as a clearinghouse and executive committee for the over-all veterans' assistance and post-war employment program. It must correlate the several parts of the program into one unified program behind which the combined efforts of the entire State are fully and effectively utilized to accomplish the objective.

6. *Local coordinating and veterans' service committee.*—The members of this committee should be appointed by the duly constituted governmental authority of the community. The membership should include generally representatives of the local government, the citizens post-war employment committee of the community, and the representatives from Federal agencies as designated by the Retraining and Re-employment Administration to represent the Federal Government, insofar as these agencies have facilities in the community.

The representatives of the citizens post-war employment committee should include, insofar as they are applicable to the community: (a) Chairman of the citizens post-war employment committee, (b) chairman of the survey group of the citizens post-war employment committee, and (c) chairman of the committee for development of employment of the citizens post-war employment committee.

The representatives from Federal agencies should include: (a) Designated member of the Selective Service System; (b) designated representative of the United States Employment Service (War Manpower Commission); (c) designated representative of the Veterans' Administration.

As the United States Employment Service has local area offices in only 35 locations and the Veterans' Administration has facilities in only 2 locations, in Virginia, these agencies will designate representatives in only 35 and 2 communities, respectively. In all other communities the representative of the Selective Service System will be the sole designated representative of Federal agencies to serve on this committee and will represent the Federal Government as appropriate situations arise.

The services of the local defense councils, as organized in each community throughout the State, have been voluntarily offered, through the State coordinator of the Office of Civilian Defense, to assist in this program in their respective communities. It is suggested that the Director, or other representative as selected by the local defense council, be appointed as a member of this committee to represent this local volunteer agency and that the services of their volunteer personnel be utilized as needs may indicate.

This committee elects or appoints its own chairman and may add to its membership as community needs indicate. There is no single pattern of organization that will fit all communities. To facilitate operation, the membership should be limited to as small a number as is consistent with the needs of the community and the volume of work to be accomplished.

It is the function and responsibility of this committee to direct and foster the operation of the Virginia veterans' assistance and post-war employment program, and its several parts, within the community; and to coordinate the activities of all agencies, organizations, and volunteers contributing to this program. It serves as a clearinghouse and executive committee for the over-all program in the community and must harness the efforts of the community under this unified program.

## SURVEY—LYNCHBURG, VA.

NOTE.—This copy of the survey made by the Lynchburg Chamber of Commerce illustrates the assistance such a survey will render in the post-war employment program of a community.

### POST-WAR PLANNING REPORT

#### BRIEF HISTORY

Members of the Lynchburg Chamber of Commerce had been giving a great deal of individual thought during the summer of 1943 to the post-war development of Lynchburg. The board of directors decided to crystalize these ideas into a joint effort by forming a committee to make recommendations for post-war activities. The post-war planning committee of 15 active businessmen was appointed in September 1943.

The post-war planning committee presented a comprehensive chart, making definite recommendations as to the procedure and purposes in a progressive development of Lynchburg. The board of directors, on February 11, 1944, adopted the chart as the post-war plan for the city. (The chart is described below.)

The president of the chamber of commerce appointed two committees to start the effectuation of the plan. One committee was to compile and distribute a general questionnaire concerning the welfare of Lynchburg. This work has been completed and the results are given below. The other committee was given the tremendous task of making a complete survey of the Lynchburg employment situation and reporting the results. This work has been completed also and the report is given below.

The next step is to inform the members of the Lynchburg Chamber of Commerce and other interested persons of these activities so as to obtain their suggestions and aid. That is the purpose of this report.

#### THE POST-WAR PLANNING CHART

The post-war planning chart, as adopted by the Lynchburg Chamber of Commerce, is divided into four major parts. Two of these parts are for information only; one lists the standing committees of the chamber of commerce and their duties, which is given elsewhere in this report and the other gives what the chart calls the "liaison groups." These groups are organizations that have post-war plans which would affect Lynchburg and with whom we should cooperate.

The other two parts are the actual recommendations. One part headed "General requirements" is as follows:

Object: To make Lynchburg a good place to come home to after the war.

First, to be ready to take care of our service men and women. Second, to be able to absorb other returned soldiers and some of the excess war workers.

I. The first requirement to accomplish this is a job for each man and woman.

(a) Study existing industries and their post-war plans.

1. Workers required for reconversion, repairs, and expansion.

2. Peacetime opportunities for regular employment.

- (b) Consider new industries available.
    - 1. Heavy demand for new types of products after the war.
    - 2. Study inducements for new industries to come to Lynchburg, plant facilities, skilled labor, transportation, etc.
    - 3. Consider available local capital.
  - (c) Opportunities in retail trade.
    - 1. Can rural trade area be extended?
    - 2. Are other services necessary?
  - (d) Better industrial relations between labor and management.
- II. The second requirement is an attractive home for each man and woman.
- (a) Is housing adequate?
    - 1. Homes,
    - 2. Hotels,
    - 3. Restaurants,
    - 4. Boarding houses.
  - (b) Are service establishments sufficient?
    - 1. Health,
    - 2. Financial,
    - 3. Social service,
    - 4. Utilities,
    - 5. Central employment bureau, etc.
  - (c) Social and recreational.
    - 1. Complete study needed.
  - (d) Opportunities for youths.
    - 1. Vocational schools.

III. The third requirement is a dependable civic organization. This is essential for many of the subheadings above.

NOTE: Public works should be confined to those projects that raise the standard of living.

- (a) What improvements are needed in city property and services?
- (b) What services could the city provide that are not now being provided?
- (c) Are the city's finances sound?
- (d) Are municipal regulations reasonable and up to date?
- (e) Is railroad and bus transportation to town frequent and satisfactory?

The fourth part of the chart suggests the organization and methods in an effort to attain the goals set by the general requirements. The committees with their duties, under a general post-war planning chairman as proposed by the chart are as follows:

*Executive committee.*—The duties of this committee will be to coordinate activities of all committees and to receive all reports and develop them into a comprehensive plan; to cause the completed plans to be conveyed to appropriate authorities.

*Existing industries committee.*—The duties of this committee will be to study post-war plans of local industries, to survey potential workers and to consider the possibilities of new products for local manufacture.

*New industries committee.*—The duties of this committee will be to study potential new industries, to concentrate on industries using labor, that a survey shows will be most beneficial to Lynchburg, to survey types of manufacturers available in the above classification and to consider the relationship of vocational training to industrial opportunities.

*Retail trade committee.*—The duties of this committee will be to consider the expansion of retail trade and to suggest improvements for the convenience of farmers and for the sale of their farm products.

*Labor relations committee.*—The duties of this committee will be to consider the possibility of bringing together management and labor in a spirit of cooperation and understanding.



*Housing committee.*—The duties of this committee will be to obtain information regarding the availability of dwellings and other housing facilities and to study living conditions in Lynchburg generally.

*Recreation and social activity committee.*—The duties of this committee will be to make a complete study of the recreation and social activities situation in Lynchburg and to suggest means of improvement.

A blueprint for future activities can seldom be followed specifically and in the case of the Lynchburg post-war planning chart, it has already been found advisable to make minor changes. It was decided that a better understanding of the Lynchburg employment situation could be had by surveying all types of employment instead of just industrial employment. For this purpose, the president appointed a post-war planning survey committee, the chairman of which was Mr. John D. Capron. The committee made an exhaustive and careful survey of the employment situation in Lynchburg and presented a report which is considered to be a most comprehensive and accurate document. The report follows:

#### POST-WAR PLANNING EMPLOYMENT REPORT

Your post-war planning survey committee, in an effort to learn exactly what problems will be presented by the cessation of hostilities, through questionnaire, individually explained, had employers present their own picture in industry, municipal operations, retailers, utilities, and wholesalers.

The sources of emergency employees were studied and the probable number of old employees now in the armed forces who will wish to return to Lynchburg was carefully considered. In this study all available data compiled by the committee for economic development and various Government agencies were weighed against the judgment of your committee. We believe the results are as accurate as it is humanly possible to make them. It is very important to bear in mind that these estimates are based on carrying out the plan to make Lynchburg as attractive as possible.

First, let us consider the over-all employment picture for Lynchburg:

| <i>Total employment</i>             |         |
|-------------------------------------|---------|
| Employed at present.....            | 15, 372 |
| Leaving after war.....              | 858     |
| Present employees remaining.....    | 14, 514 |
| Returning from armed forces.....    | 2, 008  |
| Available for post-war jobs.....    | 16, 522 |
| Estimated post-war requirement..... | 17, 784 |
| Post-war shortage.....              | 1, 262  |

NOTE.—These figures do not include professional men, service agencies, and domestic servants.

Unless we make a further break-down of these figures, we do not get a true picture of the situation. Although we will have an over-all shortage of workers, in certain low-income brackets we will actually have an overage.

*Total employment, male and female workers*

|                                     | Male    | Female |
|-------------------------------------|---------|--------|
| Employed at present.....            | 8, 424  | 6, 948 |
| Leaving after the war.....          | 437     | 421    |
| Present employees remaining.....    | 7, 987  | 6, 527 |
| Returning from armed forces.....    | 1, 959  | 49     |
| Available for post-war jobs.....    | 9, 946  | 6, 576 |
| Estimated post-war requirement..... | 10, 544 | 7, 240 |
| Post-war shortage or overage.....   | -598    | -664   |

This table shows that, proportionately, there will be almost twice as many women as men needed as workers after the war.

*Total employment, white and colored workers*

|                                     | White   | Colored |
|-------------------------------------|---------|---------|
| Employed at present.....            | 13, 536 | 1, 836  |
| Leaving after the war.....          | 774     | 131     |
| Present employees remaining.....    | 12, 762 | 1, 705  |
| Returning from armed forces.....    | 1, 832  | 176     |
| Available for post-war jobs.....    | 14, 594 | 1, 881  |
| Estimated post-war requirement..... | 15, 915 | 1, 869  |
| Post-war shortage or overage.....   | -1, 321 | +12     |

This table shows that the shortage occurs entirely among the white employees. There will actually be an overage of colored employees. Tables which follow show that this is true of all unskilled workers and it is in this group that most of the colored employees are found. Other factors, however, play a part in causing this excess of colored employees.

*Total employment, white, management and office workers*

|                                     | White management and office |        |
|-------------------------------------|-----------------------------|--------|
|                                     | Male                        | Female |
| Employed at present.....            | 2, 073                      | 2, 073 |
| Leaving after the war.....          | 20                          | 70     |
| Present employees remaining.....    | 2, 053                      | 2, 003 |
| Returning from armed forces.....    | 430                         | 41     |
| Available for post-war jobs.....    | 2, 483                      | 2, 044 |
| Estimated post-war requirement..... | 2, 631                      | 2, 074 |
| Post-war shortage or overage.....   | -148                        | -30    |

*Employment retail stores except management and office workers*

|                                     | Male  | Female |
|-------------------------------------|-------|--------|
| Employed at present.....            | 1,639 | 1,539  |
| Leaving after the war.....          | 85    | 93     |
| Present employees remaining.....    | 1,554 | 1,446  |
| Returning from armed forces.....    | 466   | 18     |
| Available for post-war jobs.....    | 2,020 | 1,464  |
| Estimated post-war requirement..... | 2,234 | 1,480  |
| Post-war shortage or overage.....   | -214  | -16    |

As indicated above, the percentage of employees in the armed services from retail establishments is larger than from other group classifications. This is probably due to their inability to obtain deferments for any men.

*Industry, utilities, wholesale, and municipal employees, skilled and semiskilled, white and colored*

|                                     | Skilled and semiskilled,<br>white and colored |        |
|-------------------------------------|-----------------------------------------------|--------|
|                                     | Male                                          | Female |
| Employed at present.....            | 3,911                                         | 3,665  |
| Leaving after the war.....          | 223                                           | 162    |
| Present employees remaining.....    | 3,688                                         | 3,503  |
| Returning from armed forces.....    | 1,042                                         | 4      |
| Available for post-war jobs.....    | 4,730                                         | 3,507  |
| Estimated post-war requirement..... | 5,162                                         | 4,234  |
| Post-war shortage or overage.....   | -432                                          | -727   |

It is well to bear in mind that the term "skilled worker" as used is relatively broad. This term is no longer limited to machinists, cabinet, sheet-metal workers, etc., who have served their apprenticeship. There are very few openings for skilled journeymen in Lynchburg, yet, these men are a real addition to any community.

The term "skilled and semiskilled workers" as used in this report includes men and women of sufficient training to handle their jobs properly. Their income is somewhere between \$1,200 and \$3,000 a year. In view of the indicated shortage of workers in this income range every effort should be made to improve living conditions for this group in order to attract more workers in this group to Lynchburg. Vocational education of the youth is another important step.

*Industries, utilities, wholesale and municipal employees, unskilled*

|                                     | Unskilled, white and colored |        |
|-------------------------------------|------------------------------|--------|
|                                     | Male                         | Female |
| Employed at present.....            | 1,493                        | 770    |
| Leaving after the war.....          | 116                          | 133    |
| Present employees remaining.....    | 1,382                        | 637    |
| Returning from armed forces.....    | 224                          | 0      |
| Available for post-war jobs.....    | 1,606                        | 637    |
| Estimated post-war requirement..... | 1,488                        | 540    |
| Post-war shortage or overage.....   | +118                         | +97    |

With an excess of unskilled workers in Lynchburg during the post-war period, every effort should be made to attract new industries employing common labor to this city.

## ADDITIONAL QUESTIONNAIRE

Your committee received replies to the supplemental questionnaire from 16 companies producing manufactured products valued at \$34,272,000 in 1943. This represents slightly more than half the value of products manufactured in Lynchburg last year.

A large majority (75 percent) of these men expect business to become stabilized within 1 year after the war is over. They expect an increase in the value of manufactured products of 3½ percent to take place when this stabilization is accomplished.

The companies represented by these replies anticipate post-war expenditures for new construction amounting to \$610,000.

The problem of placing rehabilitated servicemen in industry is one of the most serious now facing the country. Lynchburg has given this problem careful study, and we have plans for using over 500 of these men. This is about our quota as now figured.

*Recommendations.*

In view of the post-war shortage of workers in certain income brackets, your committee recommends that the Lynchburg Chamber of Commerce concentrate in its post-war planning on making this community attractive to men and women having incomes ranging between \$1,200 and \$3,000 per year.

In view of the post-war overage of unskilled workers which could partially offset the shortage of skilled workers, your committee believes that a program of increased vocational training for adults as well as for students in the public schools will be of great benefit to the city. We realize that this program must be accompanied by an effort to educate Lynchburg's citizens to the dignity and opportunity of manual occupation.

In view of the post-war overage of unskilled workers, your committee recommends that the Lynchburg Chamber of Commerce attempt to bring to this community new industries employing unskilled labor, both male and female.

In view of the overage of unskilled and semiskilled Negro labor, your committee feels that the vocational training program for Negroes



is of particular importance. With this program in operation, industries using Negroes of all skills would be an asset to the community.

Any type of industry employing journeymen only, which could be persuaded to locate here should be able to attract highly skilled workers and in this way be an asset to the community.

With the program mentioned above for improving living conditions for workers of moderate incomes as well as with improved vocational training, your committee believes that we will be able to attract and develop sufficient workers to maintain additional industries employing all types of labor in Lynchburg.

This program should be started immediately as substantial results cannot be expected until it is well under way.

*Comment.*—In collecting the necessary information, it has been necessary to request the aid of practically every businessman in Lynchburg. Your committee has received courteous and prompt cooperation. The thanks of the Lynchburg Chamber of Commerce is extended to all those who helped in this important work.

#### ADDITIONAL INDUSTRIAL EMPLOYMENT INFORMATION

An interesting supplement to the foregoing report is Lynchburg's relative position to other Virginia cities in industrial employment. For this purpose, the populations of Virginia cities of over 10,000 and the number of industrial wage earners were obtained from the 1940 United States Census and the 1939 United States Census of Manufacturers. So as to get a clearer picture, the wage earners relations to population are given also for counties in which the cities are located.

#### *Percent of wage earners to population*

| Cities                       | Percent<br>for<br>cities | Counties in which cities are<br>located | Percent<br>for<br>counties | Percent for<br>cities and<br>counties |
|------------------------------|--------------------------|-----------------------------------------|----------------------------|---------------------------------------|
| Martinsville .....           | 38                       | Henry .....                             | 15                         | 21                                    |
| Newport News .....           | 22                       | Warwick .....                           | 2                          | 18                                    |
| Lynchburg .....              | 17                       | Campbell .....                          | 8                          | 13                                    |
| Fredericksburg .....         | 11                       | Spotsylvania .....                      | 16                         | 13                                    |
| Danville .....               | 3                        | Pittsylvania .....                      | 15                         | 11                                    |
| Petersburg .....             | 15                       | Dinwiddie .....                         | 1                          | 10                                    |
| Staunton .....               | 6                        | Augusta .....                           | 10                         | 9                                     |
| Winchester .....             | 16                       | Frederick .....                         | 3                          | 9                                     |
| Richmond .....               | 9                        | Henrico .....                           | 1                          | 8                                     |
| Roanoke .....                | 3                        | Roanoke .....                           | 12                         | 7                                     |
| Suffolk .....                | 14                       | Nansemond .....                         | 3                          | 7                                     |
| Bristol, Va. ....            | 14                       | Washington .....                        | 1                          | 4                                     |
| Norfolk and Portsmouth ..... | 3                        | Norfolk <sup>1</sup> .....              | 7                          | 4                                     |
| Charlottesville .....        | 5                        | Albemarle .....                         | 1                          | 3                                     |
| Alexandria .....             | 1                        | Arlington .....                         | 1                          | 1                                     |
| State of Virginia .....      | 5                        |                                         |                            |                                       |

<sup>1</sup> Including South Norfolk.

While the foregoing percentages do not give an absolutely accurate description of the wage-earner proportions, they are sufficient to suggest that Lynchburg ranks rather high in Virginia in industrial employment. This seems to indicate that in addition to making an effort to bring manufacturers to Lynchburg, attention should be given to interesting other types of operations. Our colleges are a great asset from a social, cultural and even commercial point of view and

certainly any city would welcome gladly each fall more than a thousand young students. The colleges employ 324 persons and although this is a considerable number, it should not lull us into a feeling that manufacturing industries are the only additional enterprises the city needs.

#### GENERAL QUESTIONNAIRE

The chairman of the post-war planning committee, in an effort to learn more of the general trend of thought of Lynchburgers, appointed a questionnaire committee. This committee composed a questionnaire concerning the general welfare of Lynchburg, copies of which were sent to 600 business and professional persons. Seventy-two persons responded to the questionnaire. We give below replies that were in sufficient plurality to indicate the consensus of those responding.

It was suggested that the public schools have a better qualified teaching staff, a larger and more comprehensive vocational school, and a new high school building with sufficient land about it for outdoor events. Among other civic improvements about which there were definite majorities were that the city should attempt to keep the size and facilities of the airport modern, that State highways should have bypasses for Lynchburg for through heavy traffic and that the State should build another bridge across James River which, among other things, would open new industrial sites.

Among general improvements, it was the consensus that Lynchburg needs better hotel facilities, more attractive passenger transportation stations, a commercial cannery, and a cold-storage locker plant for individual use. Some thought privately operated amusements in public parks would be beneficial.

The response to questions concerning new industries were so varied in many cases that it was difficult to draw any conclusions. However, it does seem to be the opinion that there should be an organization which would own and develop industrial sites to be offered to prospects.

A large number of those replying did not express opinions with regard to our agricultural problems. A considerable number of those answering believed that there should be more plants processing farm products. The most definite opinion was that the annual farm show should be resumed after the war.









UNITED STATES DEPARTMENT OF AGRICULTURE

Washington 25, D. C.

FILE COPY

October 9, 1944

GENERAL DEPARTMENTAL CIRCULAR NO. 53

*CP*  
*10/16*

Policy on Reemployment of Veterans

Each agency of the Department should make immediately a survey of its employees in the armed forces so that an accurate picture may be available of the reemployment problem involved. This survey should include the bringing up to date of qualification records of employees and the establishment of status as classified (competitive) civil service employees. The records thus established should be kept current.

In addition to meeting the legal requirement that a veteran shall be restored to the same position or one of like seniority, status, and pay, it is the policy of the Department to restore the veteran to any position of higher grade and salary for which he is qualified and to which he would have been promoted if he had not entered the military service, or to which he can be promoted upon restoration. Consideration should be given wherever possible to new skills, increased maturity of judgment and personality development, and new leadership experience acquired by the veteran while in the armed services.

It is the policy of the Department liberally to apply, in the interest of veterans, the benefits available to them, not inconsistent with the laws and regulations prescribing such benefits. The reemployment of veterans and men who served in the merchant marine shall be the primary consideration of the Department and shall take precedence in all instances over the reemployment of civilians.

Reemployment of career-service veterans and men who served in the merchant marine is mandatory even though it is necessary to separate career-service employees; however, within the limits of established reduction-in-force procedure, no career-service employee will be separated or reduced in rank while transitory and temporary employees are retained in positions which the career-service employee is qualified to fill. Veterans who had war-service appointments are entitled to reemployment, but their tenure on restoration is limited to that which they had upon entering the military service.

Employees of the Department of Agriculture, now serving in the armed forces, who may apply for and secure discharge from the armed forces with the understanding that after discharge they will become engaged

in essential activities, should upon application for reemployment in the Department of Agriculture be restored to duty since all Government work is classified as essential activity.

Any employee of the Department who received a promotion in grade while serving in the armed forces or the merchant marine must be restored to the position to which promoted or to a position of like seniority, status, and pay.

In the reemployment of veterans and men who served in the merchant marine, the Department recognizes its moral obligation to provide employment for men and women who may not be physically able to perform the duties of the position they left, and will require a positive showing that the person is not qualified for any position in the Department. For example, the forest ranger who has lost a leg is not physically qualified for reemployment as a forest ranger, but his reemployment in some other position for which he is qualified, such as dispatcher, should be effected.

Each agency of the Department should establish a counselling program for veterans, by designating officials who are competent for that work, to give general advice and encouragement to veterans in the interest of their own welfare; for example, to apply for leave without pay in lieu of active duty for the purpose of physical or mental rehabilitation, to avail themselves of educational opportunities, with the assurance that their reemployment rights will be protected to the extent permitted by law and regulations, and to accept positions other than their former positions if their physical or mental condition suggests that they cannot or should not be performing the duties of their former positions. Extreme care should be exercised in the placement of disabled employees to be sure that they can capably perform their duties and that they will not be doing work which is hazardous to themselves or others.

Special plans for in-service training should be prepared to insure that the veteran will be properly placed and reoriented in a position and that he will have needed training on the job to get him into full and satisfactory production as early as possible, and to prepare veterans for assignment to new positions other than those which they left, so that they may be brought nearer that status which they might have reached had they not gone into the armed services. Any returning veteran who has been restored shall be granted leave without pay, to the maximum extent permissible under the regulations, to take training or hospitalization which is available to him.

In dealing with returning veterans through correspondence or by personal interview, any evidence of charity must be avoided. The veteran should be made to feel welcome and that he has an important job to do and a contribution to make when he gets back.

The Department has gone on record in stating that employees who are prevented from rendering satisfactory service by physical or mental disability will be recommended for retirement and that it will encourage retirement of its older employees at a time advantageous both to the employee and to the Department. Particular attention should be given at this time to the Department's policy on retirement, and an examination made of employees' records of performance and service to explore the possibilities of making room for returning veterans by this means.

Responsibility for reemployment of veterans rests upon agencies of the Department in the following order. No agency in a higher level will assume that responsibility until convinced that the agency in the lower level has exhausted its resources and is in fact unable to reemploy the veteran.

1. The division of the bureau in which the veteran was last employed.
2. The bureau in which the veteran was last employed.
3. The Administration in which the Veteran was last employed.
4. The Department of Agriculture.

Each agency of the Department operating on a decentralized basis, including bureaus and administrations, which finds it impossible to meet its reemployment obligations in any area, will establish a focal point to which will be referred the names of veterans who cannot be reemployed at a particular field station, region, area, or bureau, and shall see to it that the veteran is reemployed elsewhere in the agency.

No agency may employ people from outside the Department until veterans qualified to fill the positions available to whom the Department owes reemployment have been restored to duty.

The Director of Personnel and his designated representative or representatives are authorized to take or require bureaus and offices to take such action as may be necessary to insure compliance with this policy.

War Food Administrator

Secretary

